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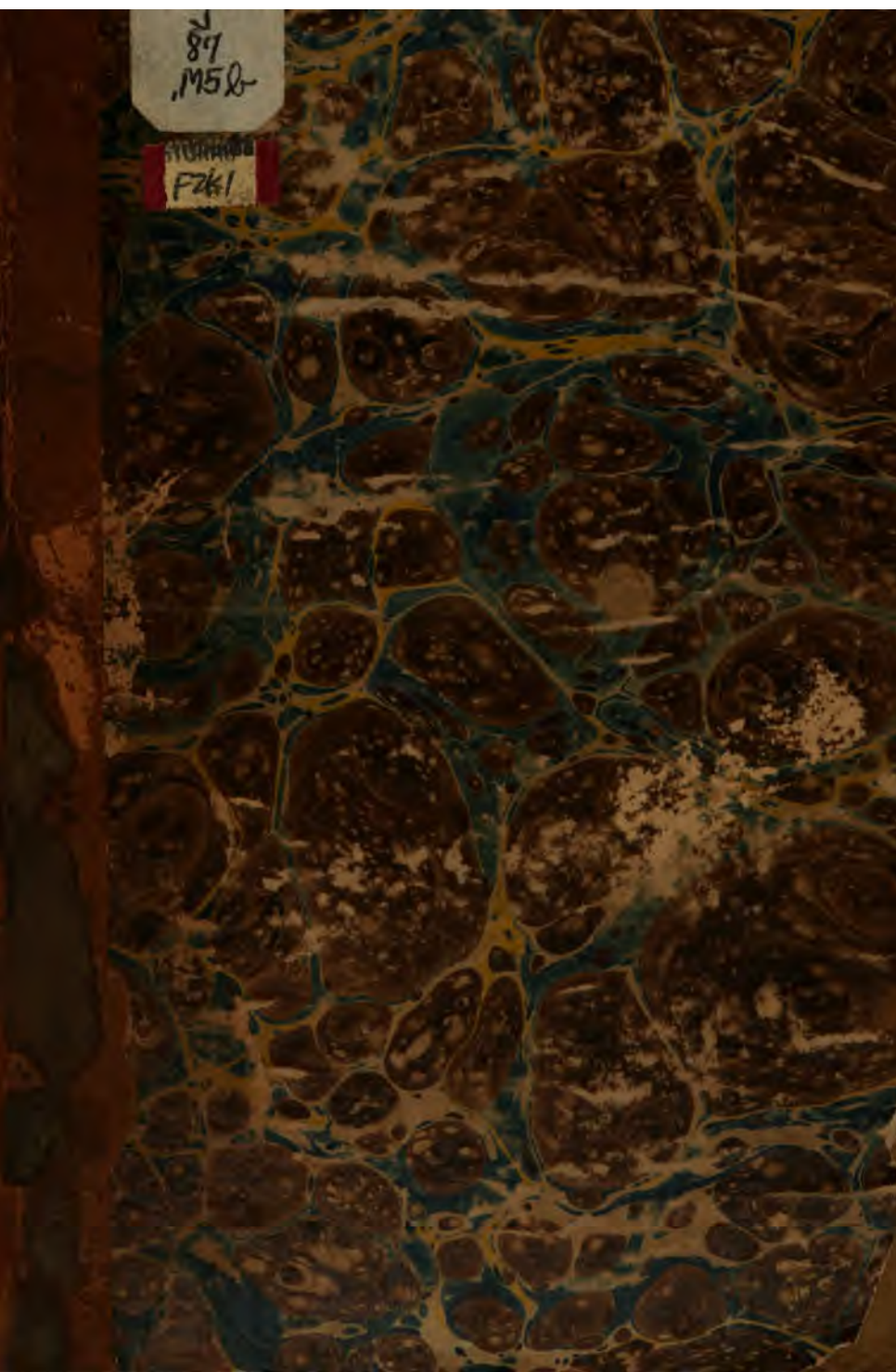
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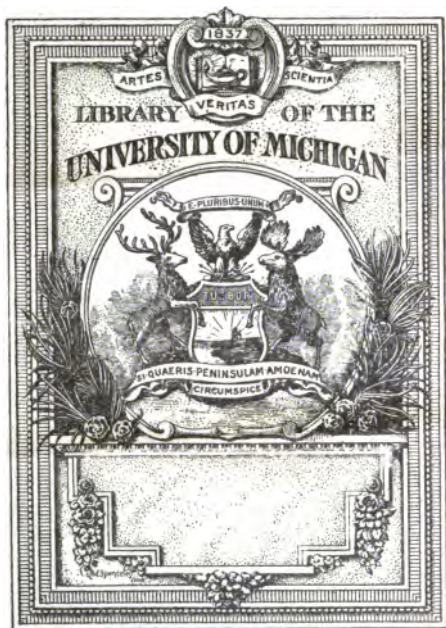
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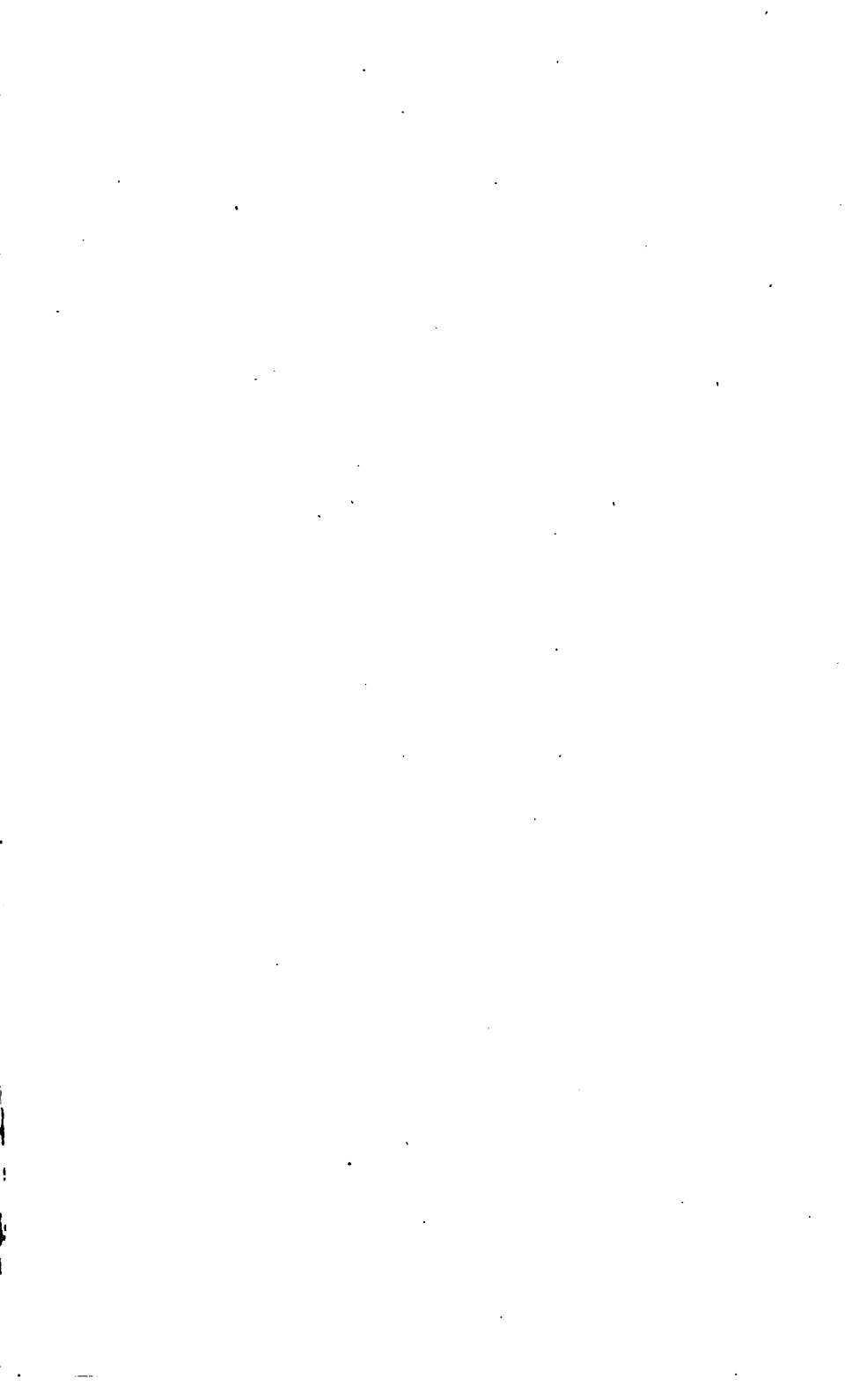


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JOURNAL

OF

THE SENATE

OF THE

STATE OF MICHIGAN,

OF THE

FIRST, ADJOURNED, AND EXTRA SESSIONS

OF THE LEGISLATURE,

IN THE YEARS

1835 AND 1836.

BY AUTHORITY.

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1836.



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# JOURNAL OF THE SENATE.

FIRST SESSION.

November 2nd—14th, 1835.

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MONDAY, November 2, 1835.

This day being fixed by the constitution of the state of Michigan, for the meeting of the legislature, the senate assembled at 10 A. M.

The Hon. John McDonell, of the first district, offered the following resolutions which were adopted :

*Resolved*, That the senate proceed to elect a president pro tem. in accordance with the fifth article of the constitution.

*Resolved*, That the senate proceed to elect a secretary pro tem.

*Resolved*, That the senate proceed to elect a sergeant-at-arms or door keeper, pro tem.

On motion of the Hon. Olmsted Hough, of the second district, the Hon. John S. Barry was appointed president of the senate pro tem.

On motion of Hon. H. H. Comstock, of the third district, Kintzing Pritchette was appointed secretary pro tem.

On motion of Mr. McDonell, Martin Story was appointed sergeant-at-arms pro tem.

On motion of Mr. Hough, George W. Dexter was appointed door keeper pro tem.

Mr. McDonell offered the following resolution which was adopted.

*Resolved*, That a committee of privileges and elections be appointed by the president to consist of three, and that said

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committee examine the credentials of members and report forthwith to the senate.

Whereupon the committee was appointed as follows: John McDonell, C. C. Hascall, Olmsted Hough—who reported the following names as entitled to seats:

*1st District*—Jonathan D. Davis, John McDonell, Conrad Ten Eyck.

*2nd District*—Laurent Durocher, Edward D. Ellis, Olmsted Hough.

*3rd District*—John S. Barry, Calvin Britain, Horace H. Comstock.

*4th District*—Silas Finch, William J. Moody, Henry Rumsey.

*5th District*—John Clark, Charles C. Hascall, Ebenezer Raynale, John Stockton.

Mr. Hough moved that the senate concur in the report of the committee of privileges and elections, which motion was adopted.

Mr. McDonell offered the following resolution which was adopted:

*Resolved*, That the secretary inform the house of representatives that the senate is organized and ready to proceed to business.

Mr. McDonell offered the following resolution:

*Resolved*, That the members of the senate be now sworn into office.

The same being adopted, the members of the senate took the oath of office prescribed by the constitution.

The roll was then called, and the following members answered to their names:

*1st District*—Johnathan D. Davis, John McDonell, Conrad Ten Eyck.

*2nd District*—Laurent Durocher, Edward D. Ellis, Olmsted Hough.

*3rd District*—John S. Barry, Calvin Britain, Horace H. Comstock.

*4th District*—Silas Finch, William J. Moody, Henry Rumsey.

*5th District*—John Clark, Charles C. Hascall, Ebenezer Raynale, John Stockton.

The senate then took a recess of twenty minutes.

A call to order having been made, the members took their seats.

Mr. Hascall laid the following resolution on the table:

*Resolved by the senate*, That we proceed to canvass, at the senate chamber, the votes for governor and lieutenant governor, at 3 o'clock P. M., and that this resolution be sent to the house of representatives for their concurrence.

On motion of Mr. Rumsey, from the 4th district,

The senate adjourned till 10 o'clock, A. M., to-morrow.

TUESDAY, November 3, 1836.

The senate having met pursuant to their adjournment till 10 o'clock A.M., and a quorum being present,

Mr. Hascall called up his resolution of yesterday, which was read as follows:

*Resolved by the Senate*, That we proceed to canvass, at the senate chamber, the votes for Governor and Lieutenant Governor, at 3 o'clock P.M., and that this resolution be sent to the house of representatives for their concurrence.

Whereupon, Mr. Hascall offered the following amendments, which were adopted:

After the word 'senate' in the first line, insert the words 'house of representatives'—strike out the words 'the senate chamber,' and insert 'the hall of the house of representatives'—also strike out the 'words' 3 o'clock P.M.

Mr. Ellis moved to strike out so much of the resolution which required the sending of the resolution to the house of representatives for their concurrence; which was lost.

On motion of Mr. Ellis, the blank was filled with 11 o'clock A.M., this day.

Mr. McDonell moved the insertion of the word 'resolved,' after the words 'this day.'

The resolution was then adopted as amended, in the words following, to wit:

*Resolved by the senate and house of representatives, That we proceed to canvass the votes for Governor and Lieutenant Governor, at the hall of the house of representatives, at 11 o'clock A.M., this day.*

*Resolved, That the resolution be sent to the house of representatives for their concurrence.*

On motion of Mr. McDonell,

*Resolved, That the secretary be instructed to deliver a copy of the said resolution to the house of representatives.*

A message was received from the house of representatives by their secretary, S. McKnight, as follows:

*Resolved, That the house of representatives concur in the resolution of the senate to proceed, at 11 o'clock this day, to canvass the votes for Governor and Lieutenant Governor, in the hall of the house of representatives.*

A committee from the house of representatives announced that the house of representatives were prepared to receive the senate in convention.

The committee then conducted the senate to the hall of the house of representatives.

#### IN JOINT ASSEMBLY.

The returns of the election having been announced by the president of the senate and ordered to be read, it was, on motion of Mr. McDonell of the senate,

*Resolved by the senate and house of representatives of the state of Michigan in convention assembled, That, by canvass of votes for Governor and Lieutenant Governor of said state, it is declared by this convention that Stevens T. Mason is duly elected Governor, and Edward Mundy Lieutenant Governor of said state, in accordance with the 5th article of the constitution.*

On motion of Mr. Whipple, a committee of three from each house were appointed to wait upon the Governor and Lieutenant Governor and inform them of their election.

Messrs. McDonell, Britain, and Clark of the senate — and Messrs. Whipple, Richardson, and Convis of the house were appointed the committee.

On motion, the following named gentlemen were invited to take a seat within the bar:

Hon. Ross Willkins, Hon. Lucus Lyon, Hon. John Norvell.

On motion, the Judges of the supreme court, and all officers of the general government, were also invited to take seats within the bar.

The committee appointed to wait upon the Governor and Lieutenant Governor and inform them of their election, returned and announced them as being present, when they were conducted to the chair of the Speaker, and the oath of office administered.

The governor then delivered the following

#### INAUGURAL ADDRESS:

*Fellow citizens of the senate*

*and of the house of representatives.*

Summoned by the general voice of my fellow citizens to the station of chief executive magistrate of the state of Michigan, it is with feelings which language is inadequate to express, that I embrace the occasion to convey to them my cordial thanks for this distinguished testimony of their approbation and confidence. If, under ordinary circumstances, the suffrages of this enlightened people had confided to me the exercise of the important and responsible functions of the first office in their gift, the sensibilities awakened by so signal a favor could only have found vent in the silent overflowings of the heart. But to have realized the honor thus bestowed upon me by them, at a time when a blow had been received from another source, to which it would not become me to refer in a spirit of dissatisfaction, adds to the lively and deep sense of gratitude, which I shall cease to cherish towards them only with the expiring pulsations of life. The emotions with which these reflections oppress my mind, are greatly enhanced by

the anxiety induced by a sincere consciousness that the cares before me are above my ability, and that in venturing upon them, I have consulted my capacity less, probably, than the impulses of a premature ambition.

But if the hazardous task has been undertaken without a sufficiently rigid scrutiny into the qualifications requisite for its satisfactory performance, I derive consolation from the reflection, that the deficiencies of the executive will be amply supplied by the talents, the rectitude and patriotism of the co-ordinate branches of the state government. These, with the intelligence and virtue of the people, afford the surer pledges, that the foundations of the policy of this new and rising state will be laid in the immutable principles of morality, justice and benevolence, and that in its legislation, a comprehensive and correct view will at all times be taken of the various interests embraced within its range. To these sources, then, I look with confidence for that direction and support which may bear us triumphantly through the difficulties and embarrassments incident to the new position in which we are placed.

Assembled, fellow citizens, under a constitution framed with singular care and deliberation, and distinguished by a spirit of peculiar liberality and precision, I congratulate you upon the equally signal unanimity with which it has met the approbation of the people of Michigan. While its provisions guard, with a provident forecast, against any invasion of the rights and liberties of the citizen, they secure an adequate responsibility in all branches of the government to the primary source of all power. With such a constitution, and with the facilities provided for any amendments which time and experience may suggest as useful or essential, the wisdom of the legislature, a judicious and patriotic administration of the laws, with a cheerful co-operation on the part of the people, cannot fail to secure the solid and lasting prosperity, freedom and happiness of this dawning commonwealth.

The change of government, which is now in the process of

completion, has placed us in a new and delicate relation to the legislative and executive authorities of the Union. It is believed, however, that the difficulties presented by the new attitude assumed by the people of Michigan, will readily disappear before the light of examination and precedent, and that a course of forbearance and respect to the rights and powers of others, entirely consistent with our own, will smooth our advancement to the high destiny before us.

Next to the right of self-government and the enjoyment of civil and religious liberty, and essential to these, is the continuance of the union of the states. An ardent attachment to this union is interwoven with every patriotic feeling of the people of Michigan. Nor is there any danger that they will ever voluntarily sanction any measure to weaken its sacred ties. Authorized by the ordinance which gave them territorial being to form a state, with limits defined by that ordinance, and by other laws, they have performed the act which renders them sovereign and independent in relation to all the reserved rights and authorities of an American state. No legitimate proceeding of the general government can again reduce them to a territorial condition. The faith of the nation pledged, in the most solemn and binding forms, to their admission into the union on an equal footing with the original states, they may anticipate with reasonable confidence the early fulfilment of that pledge. In the mean time, it remains for us to perform all the duties which attach to the relations of a state with the union; to observe and respect all the general laws which apply to our changed condition; to avoid any legislation which may bring us into collision with the federal authorities, and to await with patience the final recognition of our equal sovereignty by the representatives of our sister states.

By the provisions of the constitution, which has just received the decisive sanction of the people, all laws now in existence in the territory of Michigan, not repugnant to this constitution, remain in force until they expire by their own



limitation, or may be repealed by an act of state legislation. All writs, recognizances, and other legal instruments, prosecutions and proceedings at law, are declared to be valid and binding. All officers, civil and military, holding territorial offices and appointments under the authority of the United States, continue to hold and exercise them until superceded under this constitution. I am not aware that the constitution, of itself, immediately supercedes any officer of federal appointment, except the governor and secretary of the territory. No inconvenience or detriment to the welfare of the state, or to the interests of the union, can arise from so partial a change. The administration and execution of the subsisting laws, will proceed without interruption. The judicial and other functionaries, deriving their commissions from the United States, will continue to enjoy their respective stations, and to perform their duties, until the legislature, giving due time for the legislation of congress on the subject of our admission into the union, may deem it expedient to organize a state judiciary, and to authorize the election or appointment of other officers, under the constitution. No intermission of harmonious action and co-operation between the local and federal authorities can be rationally anticipated.

A strict observance of the constitutional division between the powers of the several departments of the government ; a scrupulous desire to avoid any violation of the laws which we are bound to see faithfully enforced, or any executive interference with their administration by the judicial tribunals of the state; the exercise of no power not clearly conferred, or incidentally essential to its salutary and effective exercise, are cardinal points which it will be my pride, as it will be my duty, to regard with undeviating fidelity.

The early appointment of the senators to represent the state of Michigan in congress, and some provision to supply vacancies in local offices, which may be produced by resignation or otherwise, will necessarily occur to the senate and house of representatives, without any special suggestion from the executive on the subject.

The consideration of the general affairs of the commonwealth; the adaptation of the laws to the altered position of Michigan; measures for the development of her fertile resources, for the application of these to the purposes of education and improvement, and all the other interests which come within the province of legislation, for the advancement of the happiness and prosperity of our beloved state, may perhaps be safely and judiciously postponed to a future, yet not distant, day.

It remains, fellow citizens, that faithful to ourselves, and to our own rights and liberties, we fervently supplicate that Divine Being, who holds in his hands the chain of events and the destiny of states, to enlighten our minds, guide our councils, and prosper our measures, so that whatever we may do shall result in the welfare and tranquility of the people of Michigan, and shall secure to us the friendship and approbation of the nation.

On motion of Mr. Barry, the joint convention adjourned.

IN SENATE.

12 o'clock, m.

The senate having resumed their seats in the senate chamber,

On motion of Mr. McDonell,

A committee was appointed to wait on the Lieutenant Governor, and conduct him to the chair.

Messrs. Durocher, Stockton, and Rumsey, were named the said committee, and accompanied the Lieutenant Governor to the chair.

Mr. Davis offered the following resolution, which was adopted.

*Resolved*, That a committee of five be appointed by the chair, to draft rules and regulations for the senate.

The president announced the following members to compose the said committee:

Messrs. J. D. Davis, Olmsted Hough, John S. Barry, Henry Rumsey, John Stockton.

Mr. Comstock laid the following resolution on the table:

**Resolved**, That a committee be appointed, composed of one member from each district, to report, at the next meeting of the senate, the names of suitable persons to fill the different offices necessary.

The president then announced the receipt of a communication from the Hon. John Biddle, president of the convention to form a constitution and state government.

Mr. McDonell moved the same be spread on the journal.

(See Senate document No. 1.)

The senate then adjourned to 10 o'clock A.M. to-morrow.

WEDNESDAY, November 4, 1836.

The senate having met, pursuant to adjournment, at 10 o'clock, A.M.

Mr. Barry informed the senate of the necessary absence of the Lieutenant Governor, and announced the consequent vacancy of the chair. }

On motion of Mr. Stockton,

Mr. John S. Barry was appointed president of the senate, pro tem.

On motion of Mr. Comstock,

Leave was granted him to withdraw his resolution of yesterday, relative to the mode of nominating the necessary officers to the senate.

Mr. Durocher offered the following resolution, which was adopted:

**Resolved**, That the return or abstract, together with the aggregate amount of the votes given in the several counties of this territory for governor and lieutenant governor of the state of Michigan, be placed on record in the journal of the senate; and also the returns of the county clerks of the several counties in this territory, of the election of said officers; together with the proceedings of the senate and house of representatives in convention, respecting the election of said officers.

(See Senate document No. 2.)

Mr. Davis, from the committee to draft rules and regula-

tions for the government of the senate, made a report thereupon, which was ordered to lie upon the table, and that 50 copies be printed.

Mr. McDonell laid the following resolutions upon the table:

*Resolved by the senate and house of representatives,* That both houses of the legislature will meet in the representative hall, on the                      day of                      at 4 o'clock, P.M., and then and there proceed, by joint vote, to elect two senators to the congress of the United States, and that a majority of the votes of the members present be necessary to a choice.

Mr. Britain gave notice that, at a future day, he would ask leave to bring in a bill to organize the township of New Buffalo, in Berrien county.

On motion of Mr. Durocher,

The following resolution was ordered to lie on the table for one day:

*Resolved,* That a committee of two members be appointed to act jointly with such committee as may be appointed by the house of representatives, to be denominated a committee of accounts and expenditures, and no articles shall be furnished, or charge allowed as forming any part of the contingent expenses against the present session of the senate and house of representatives without the express order and sanction of said committee, or the order of either house of the legislature, and that the house of representatives be informed thereof and their concurrence therein requested.

Mr. Hascall offered the following resolution:

*Resolved,* That the officers of the senate shall consist of one secretary, one engrossing and one enrolling clerk, one sergeant at arms, one door keeper; and that a majority of all the members present shall be requisite to constitute an election.

Mr. Britain moved to amend the resolution by inserting the words 'recording clerk,' and striking out the words 'door keeper.'

A division of the question on the proposed amendment being called for:

The question was put upon the insertion of the words 'recording clerk,' and carried.

The question being then taken on the striking out the word 'doorkeeper,' it was lost.

Mr. Britain moved to amend by striking out the word 'one' where it occurs before the word 'enrolling,' so as to read—'one engrossing and enrolling clerk;' which motion prevailed.

On motion of Mr. Hascall,

The resolution was then adopted as amended.

Mr. Ellis moved that the election of officers, as contemplated in the foregoing resolution, be made to-morrow morning at 10 o'clock, A.M.; which was adopted.

The senate then adjourned until 10 o'clock to-morrow morning.

THURSDAY, Nov. 5, 1835.

The journal of yesterday having been read and adopted,

Mr. McDonell laid on the table the following nominations for officers of the senate:

For secretary, *John J. Adam*; for enrolling and engrossing clerk, *Silas D. McKeen*; for recording clerk, *Edward A. King*; for sergeant-at-arms, *George W. Dexter*; for doorkeeper, *Diodate Hubbard*.

On motion of Mr. Hough,

The senate then proceeded to the election of secretary, whereupon Mr. McDonell nominated John J. Adams for that office who received the votes of the following gentlemen, viz.

Messrs. McDonell, Davis, Ten Eyck, Ellis, Durocher, Hough, Comstock, Barry, Britain, Moody, Finch, Rumsey, Raynale, Hascall, Stockton, Clark,—(16) and was therefore declared duly elected as secretary of the senate.

On motion of Mr. McDonell,

The senate then proceeded to the election of an enrolling

and engrossing clerk: Mr. Hascall nominated Silas D. McKeen, and Mr. McDonell nominated D. K. Brown.

The following gentlemen voted for S. D. McKeen, viz.

Messrs. Ten Eyck, Ellis, Durocher, Hough, Barry, Britain, Comstock, Moody, Finch, Rumsey, Raynale, Hascall, Stockton, Clark,—(14.)

For D. K. Brown, Messrs. McDonell, Davis,—(2.)

And Silas D. McKeen was therefore declared to be elected enrolling and engrossing clerk of the senate.

On motion of Mr. Moody,

The senate proceeded to the election of recording clerk.

Mr. Britain nominated Edward A. King, for whom the vote stood as follows, viz.

For Mr. King, Messrs. McDonell, Davis, Ten Eyck, Ellis, Durocher, Hough, Barry, Britain, Comstock, Moody, Finch, Rumsey, Raynale, Hascall, Stockton, Clark,—(16.)

Edward A. King was therefore duly elected recording clerk of the senate.

On motion of Mr. Hascall,

The senate proceeded to the election of sergeant-at-arms.

Geo. W. Dexter was nominated and received the votes of the following gentlemen, viz:

Messrs. McDonell, Davis, Ten Eyck, Ellis, Durocher, Hough, Barry, Britain, Comstock, Moody, Finch, Rumsey, Raynale, Hascall, Stockton, Clark,—(16.)

And was therefore declared duly elected.

On motion of Mr. Stockton,

The senate proceeded to the choice of doorkeeper.

Diodate Hubbard and John Bronson were nominated.

Mr. Hubbard received the votes of the following gentlemen, viz:

Messrs. Davis, Ten Eyck, Ellis, Durocher, Hough, Barry, Britain, Comstock, Moody, Finch, Rumsey, Raynale, Hascall, Stockton, Clark,—(15.)

Mr. Bronson received the following vote:

Mr. McDonell,—(1.)



Mr. Hubbard was therefore declared duly elected.

Mr Comstock offered the following resolution, which was adopted.

*Resolved*, That the president be requested to procure a suitable person to perform the duties of messenger in the senate.

Mr. Britain offered the following resolution, which, on motion of Mr. McDonell, was laid on the table for one day:

*Resolved*, That the senate proceed to the election of president pro tem. of the senate.

Mr. Britain asked leave to bring in a bill to organize the township of New Buffalo, Berrien county; the question on granting leave was on motion postponed for one day.

Mr. McDonell called up his resolution offered yesterday, relating to the election of United States senators.

Mr. Stockton moved the following amendment:

*Resolved*, That the senate will, on the day of at 4 o'clock, P. M., proceed to the election of two senators to the congress of the United States.

Mr. Britain moved that the resolution and amendment lie on the table one day, which was lost.

The question then recurring on the amendment, it was declared lost.

The question then being on the adoption of the original resolution, Mr. Ellis moved to strike out the word 'present,' and insert the word 'elect,' which was lost.

Mr. Britain moved a postponement of the consideration of the resolution until to-morrow, which was carried.

Mr. McDonell offered the following resolution, which was adopted:

*Resolved*, That a committee of three members be appointed on the part of the senate to join such committee as may be appointed by the house of representatives to act as a committee of ways and means;

And that the house of representatives be informed thereof, and their concurrence therein requested.

The following was the committee appointed on the part of the senate, in pursuance of the above resolution; Messrs. McDonnell, Clark, Britain.

On motion of Mr. Clark,

The senate adjourned until 10 o'clock to-morrow morning.

FRIDAY, Nov. 6, 1836.

The senate met pursuant to adjournment.

Mr. McDonnell offered the following resolution, which was adopted :

*Resolved*, That the secretary furnish daily the publisher of the Democratic Free Press a copy of the proceedings of the senate.

Mr. McDonnell offered the following resolution, which was laid on the table:

*Resolved*, That on all votes taken in the senate by yeas and nays, the secretary shall call over the names of members alphabetically.

Mr. Rumsey presented a petition in relation to the location of the county seat of Ingham county; which on motion, was laid on the table.

On motion of Mr. Ellis,

*Ordered*, That fifty copies of a list embracing the names of senators, classified alphabetically, by districts, be printed for the use of the senate.

Mr. Durocher called up his resolution in relation to a joint committee of accounts and expenditures, and orders from either house in regard to their several expenses.

Mr. Hascall offered the following amendment, which was agreed to:

*Resolved*, That there be a committee of three appointed on expenditures, and that no articles shall be furnished or charge allowed as forming any part of the contingent expenses against the present session of the senate, without the express order and sanction of said committee, or the order of the senate.

Mr. Hascall then moved the adoption of the resolution as amended.

Mr. Britain moved to add, and that it be made one of the rules of the senate, which was lost.

The question then being on the resolution as amended, it was adopted; and the following gentlemen were appointed the committee; Messrs. Durocher, McDonell, Ellis.

Mr. Comstock offered the following resolution, which was laid on the table :

*Resolved by the senate and house of representatives,* That our senators and representative in congress are hereby instructed and requested to procure an immediate appropriation to construct and improve the harbors of the Kalamazoo and St. Joseph rivers.

Mr. Ellis offered the following resolution, and moved that it be laid on the table, which was agreed to :

*Resolved,* That the senate proceed to decide by lot, in accordance with the provisions of the 5th section of the 4th article of the constitution, the terms of service of the senators elect.

On motion of Mr. McDonell, the senate proceeded to the consideration of the resolution in relation to the election of senators to the congress of the United States.

Mr. Britain moved a re-consideration of the vote taken yesterday, on the amendment offered by Mr. Stockton, which motion prevailed.

Mr. Britain then offered the following amendment:

*Resolved by the senate and house of representatives of the state of Michigan,* That the senate and house of representatives proceed on the day of to nominate two senators to the congress of the United States, a majority of both houses in all cases being necessary to an election, and if on a comparison of the vote of both houses, it shall appear that no election has been made, the senate and house of representatives immediately thereafter proceed in

the hall of the house of representatives to elect by joint vote, two senators to the congress of the United States.

Mr. Clark moved to refer the resolution and amendment to a select committee of one from each district ; which was lost.

Mr. Britain moved to strike out the words 'both houses' where it first occurs in the above amendment, and insert as follows, viz: 'the members present in each house,' which motion did not prevail.

A message from the house of representatives was received, announcing their concurrence in relation to the appointment of a joint committee of ways and means.

The senate, on motion of Mr. Durocher, adjourned until 10 o'clock to-morrow.

SATURDAY, NOV. 7, 1835.

The senate met pursuant to adjournment.

Mr. McDonell called for the consideration of the resolution and amendment in relation to the election of United States Senators, which was agreed to.

The question being on the amendment to the amendment, after some discussion thereon, it was declared lost.

Mr. McDonell then offered the following amendment, which was adopted:

*Resolved by the senate and house of representatives of the state of Michigan, (the house of representatives concurring therein,) That each house shall openly nominate two persons for the office of senators to the congress of the United States, after which they shall meet, and if they shall agree in their nominations, the persons so nominated shall be appointed to the offices for which they shall be nominated: if they shall disagree, the election shall be made by a joint vote of the members of the senate and house of representatives; and that a majority of the members present be necessary to a choice.*

On motion of Mr. Ellis,

The words 'the house of representatives concurring therein,' were stricken out.

A message was received from the house of representatives, in relation to a joint committee on the library.

Mr. Ellis moved to strike out the word 'present,' which motion was lost.

The question being on the amendment as amended, Mr. Ellis offered the following resolutions as a substitute, which were not agreed to:

*Resolved, by the senate and house of representatives, That the senate and house of representatives will proceed in the hall of the respective houses, separately to elect, on at 4 o'clock, P. M., two senators to represent the state of Michigan in the congress of the United States; and that a majority of all the members elect shall be necessary to constitute a choice.*

*Resolved, That if on a comparison of the result of the canvass in the two houses, it shall be found that both houses have made choice of the same person or persons for senator or senators, the president of the senate and the speaker of the house of representatives shall thereupon make out a proper certificate of such result, as evidence of the election of such person or persons.*

Mr. Hascall moved to strike out the word 'nominate,' where it occurs, and insert the word 'elect,' which was lost.

Mr. Hascall moved to lay the resolution and amendment on the table.

The yeas and nays being called for, the motion to lay on the table was disagreed to by yeas and nays, as follows:

Yeas.—Messrs. Clark, Comstock, Durocher, Ellis, Hascall, Stockton, President pro tem.,—(7.)

Nays—Messrs. Britain, Davis, Finch, Hough, McDonell, Moody, Raynale, Rumsey, Ten Eyck,—(9.)

Mr. Hascall moved to refer the resolution and amendment to a select committee which was disagreed to, by yeas and nays as follows:

Yeas—Messrs. Clark, Durocher, Ellis, Hascall, Stockton,  
—(5.)

Nays—Messrs. Britain, Comstock, Davis, Finch, Hough,  
McDonell, Moody, Raynale, Rumsey, Ten Eyck, President  
pro tem., (11.)

The question recurring on the amendment as amended, Mr. Britain moved to insert after the word 'president,' the words 'of each house;' which was agreed to; and the amendment as amended was agreed to.

The question then recurring on the original resolution as amended, Mr. Moody moved to strike out the words 'be appointed,' and insert 'be deemed duly elected,' which was lost

Mr. Comstock moved a postponement of the question until Monday next; which was lost.

Mr. McDonell moved to amend by adding as follows:

'Provided, however, that this resolution shall only apply to the present election;' which amendment was agreed to by yeas and nays, as follows:

Yeas—Messrs. Britain, Clark, Comstock, Davis, Durocher, Finch, Hascall, Hough, McDonell, Moody, Raynale, Rumsey, Ten Eyck, President pro tem.—14.

Nays—Messrs. Ellis, Stockton—2.

The resolution as amended, was then adopted by yeas and nays, as follows:

Yeas—Messrs. Britain, Clark, Davis, Finch, Hough, McDonell, Moody, Raynale, Rumsey, Ten Eyck—10.

Nays—Messrs. Comstock, Durocher, Ellis, Hascall, Stockton, President pro tem.—6.

Mr. Hascall offered the following resolutions, which were adopted:

*Resolved by the senate and house of representatives, That a joint committee to consist of three members from each house be appointed to draft a memorial to the congress of the United States, to accompany the constitution of the state of Michigan.*



*Resolved*, That the above resolution be sent to the house of representatives for their concurrence.

On motion of Mr. McDonell,

*Ordered*, That the secretary deliver a copy of the resolution in relation to the election of United States senators, to the house of representatives.

On motion of Mr. McDonell, the senate concurred in the following resolution from the house of representatives, viz:

*Resolved*, That three members be appointed, who, with a like number to be appointed by the senate, shall constitute a joint committee on the library.

Messrs. Hasscal, Comstock and Hough were appointed said committee on the part of the senate.

On motion of Mr. Ellis, the senate then adjourned until Monday next, at 10 o'clock, A. M.

MONDAY, November 7, 1835.

The senate met pursuant to adjournment.

Mr. Stockton moved that the senate proceed to the consideration of the report of the committee to draft rules for the government of the senate.

On motion of Mr. Ellis,

*Resolved*, That each rule be considered and decided upon separately.

On motion of Mr. Davis, the first rule was then adopted in the words following:

1. The president having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake therein may be corrected.

Mr. Ellis moved the adoption of the second rule; which was agreed to.

2. No person shall speak to another, or otherwise interrupt the business of the senate, or read any newspaper while the journals or public papers are reading; and when the president is putting a question, no senator shall walk out or across the house, nor when a senator is speaking, pass between him and the chair.

The third rule, as reported, being read, Mr. Ellis moved

to strike out the words 'lose the right of,' and insert 'be excused from;' which was agreed to.

Mr. Stockton moved to insert, after the word 'president,' the words 'or, in his absence, the president pro tempore,' which was carried; and the third rule amended was then adopted, as follows:

3. The president, or, in his absence, the president pro tem., shall have the right to name any member to perform the duties of the chair, who is hereby vested, during such time, with all the powers of the president. But such substitute shall not be excused from voting on any question while so presiding.

The fourth rule, on motion of Mr. Moody, was then adopted, as follows:

4. Every member, when he speaks, shall address the chair, standing in his place. No member shall speak [more than twice in any one debate on the same day, without leave of the senate.

The fifth rule was then read and adopted as follows:

5. Where two or more members rise at once, the president shall name the member who is first to speak.

The sixth rule, the word 'clerk,' on motion of Mr. Ellis, having been stricken out, and the word 'secretary' inserted, was then adopted, as follows:

6. No motion shall be debated until the same be seconded; and it shall be reduced to writing, if desired by the president, or any member, delivered in at the table and read by the president or secretary, before the same shall be debated; but it may be withdrawn at any time before decision or amendment.

The seventh rule being read, Mr. Britain moved to amend by inserting after the words 'postponing it,' the words 'for laying it upon the table,' which was agreed to; and the rule, so amended was then adopted, being as follows:

7. While a question is before the senate, no motion shall be received, unless for an amendment, for postponing it, for

laying it on the table, to commit it, or to adjourn; and a motion for adjournment shall be decided without debate.

The 8th, 9th and 10th rules were then adopted, as follows :

8. If the question in debate contain several points, any member may have the same divided.

9. A motion for commitment, until it is decided, shall preclude all amendments of the main proposition.

10. Every bill shall be introduced by motion for leave, or by order of the senate on the report of a committee ; and one day's notice at least shall be given of an intended motion for leave to bring in a bill.

The 11th rule being read, Mr. Britain moved to strike out the word 'unanimously,' and insert before 'the senate,' the words 'three-fourths,' which was agreed to; and the rule, as amended, was then adopted :

11. Every bill shall receive three readings previous to its being passed, and the president shall give notice at each, whether it be the first, second or third; which readings shall be on three different days, unless three-fourths of the senate direct otherwise. No bill shall be amended or committed, until it shall have been twice read; and all resolutions to which a concurrence of the house of representatives is requisite, which directs the payment of money on the incurring any expense, or which propose any amendment to the constitution, shall be treated in the form of proceedings on them in a similar manner with bills, except that it shall not be necessary to commit such resolutions to a committee of the whole.

The 12th rule being under consideration, Mr. Ellis moved to strike out the words 'if two members require it,' which was agreed to.

And Mr. Britain then moved to insert instead thereof, 'if one member require it,' which was also agreed to: and the rule was adopted, as follows:

12. Upon a division in the senate, the names of those who voted for or against a question, shall be entered alphabetical-

ly on the minutes, if one member require it; and each member called upon, unless for special reasons he be excused by the senate, shall declare openly and without debate his assent or dissent to the question.

Mr. Hascall then moved to amend the 13th rule, by inserting after the word 'president,' the words 'unless otherwise directed,' which was carried; and the rule thereupon adopted as follows:

13. The president, unless otherwise directed, shall appoint all ordinary committees, which shall consist of three members, unless a different number shall be directed by the senate.

The 14th, 15th, 16th and 17th rules, as reported, were then adopted without amendment, being as follows:

14. In forming a committee of the whole senate, a chairman, to be named by the president, shall preside.

15. The rules of the senate shall be observed in the committee of the whole, so far as they may be applicable, except limiting the times of speaking, and except that the yeas and nays shall not be taken.

16. A motion that the committee rise, shall always be in order, and shall be decided without debate.

17. No amendment shall be received for discussion at the third reading of any bill, resolution or amendment of the constitution, unless by a majority of the senate, but it shall, at all times, be in order before the final passage of any bill, resolution, or constitutional amendment, to move its commitment or recommitment.

The 18th rule being then read, Mr. Davis moved to strike out the word 'two;' carried: and the rule was then adopted, reading as follows:

18. When a member shall be called to order he shall sit down until the president shall have determined whether he is in order or not; and every question of order shall be decided by the president, subject to an appeal to the senate by any member; and if a member be called to order for words

spoken, the exceptionable words shall be immediately taken down in writing, that the president or the senate may be better able to judge of the matter.

The 19th, 20th and 21st rules were then successively adopted, as follows:

19. When a blank is to be filled, and different sums or times shall be proposed, the question shall be first taken on the highest sum or the longest time.

20. No member shall absent himself from the senate without leave first obtained; and in case a less number than a quorum of the senate shall convene, they are hereby authorized to send the sergeant-at-arms for any or all absent members.

21. Before any petition or memorial addressed to the senate shall be received or read, a brief statement of the contents thereof shall be endorsed on the same, with the name of the member introducing it.

On motion of Mr. Hascall,

The 22nd rule of the report was amended by striking out the word 'three,' and inserting 'two;' and the rule was adopted, as follows:

22. Where a question has been once put and decided, it shall be in order for any member to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken, shall have gone out of the possession of the senate, nor after the usual message shall have been sent from the senate, announcing its decision. Nor shall any motion for reconsideration be in order unless made on the same day in which the vote was taken or within the two next days of the actual session of the senate thereafter; nor shall any question be reconsidered more than once, and the vote on the final passage of any bill appropriating the public moneys or property, or creating, continuing, altering, or renewing any body politic or corporate, shall not be reconsidered whenever such bill shall be lost.

Mr. Hascall moved to amend the 23d rule, by inserting after the word 'president,' in the 2nd line, 'unless otherwise directed,' which was agreed to: and on motion of Mr. Davis, the secretary was directed to strike out the word 'clerk,' where it occurs in the report, and insert 'secretary.'

Mr. Stockton moved to strike out the title of the 15th committee, viz., 'on Indian affairs:' lost.

Mr. Britain moved to amend by striking out after '9th' the words 'on banks and insurance companies,' and inserting in lieu thereof, 'on incorporations,' which motion prevailed; and the rule, being as follows, was then adopted :

23. The following standing committees to consist of three members each shall be appointed by the president, unless otherwise directed, at the commencement of each session:—1st on claims, 2d on finance, 3d on the judiciary, 4th on the militia, 5th on internal improvement, 6th on roads and bridges, 7th on literature, 8th on state prisons, 9th on incorporations, 10th on the division of towns and counties, 11th on agriculture, 12th on manufactures, 13th on privileges and elections, 14th on enrolled bills, 15th on Indian affairs, 16th on expiring laws, to report such as have expired or are near expiring and what new laws they may conceive necessary, 17th on expenditures. The committee on enrolment shall examine all bills, amendments, and resolutions before they go out of possession of the senate, and make report when they find them correctly engrossed ; and the secretary of the senate shall present such bills as shall have originated in the senate and been passed by both houses to the governor, and enter the same upon the journals.

The 24th and 25th rules, as reported, were thereupon adopted :

24. When an amendment to the constitution or any bill requiring the concurrence of a majority of two-thirds of the senators is under consideration, the concurrence of a majority of two thirds shall not be requisite to decide any ques-

tion for amendments or extending the merits, being short of the final question.

25. The question on the final passage of all bills which by the constitution require the assent of two thirds of the senators, and of all amendments to the constitution requiring such assent, shall be taken on a division and entered on the journals; and unless two thirds of the members vote in the affirmative, the bill or amendment shall be declared lost; and whenever such bill or amendment shall receive the assent of two thirds as aforesaid, the president shall certify the fact upon the said bill or amendment; and he shall certify the passage of all other bills.

The 26th rule being read, Mr. Ellis moved to add after the word 'secretary,' the words 'sergeant-at-arms;' carried.

Mr. Stockton moved to strike out 'a motion made and seconded,' and insert 'any order of the senate,' which motion prevailed.

Mr. McDonell moved a reconsideration of the vote last taken, which was agreed to.

A message from the house of representatives was received.

Mr. McDonell moved a postponement of the consideration of the report of the committee to draft rules, which was lost.

The question being then taken on the amendment offered by Mr. Stockton, it was declared lost; and the rule, as previously amended, was then adopted, being as follows:

26. On a motion made and seconded to shut the doors of the senate on the discussion of any business which may in the opinion of any member require secrecy, the president shall direct all persons, excepting the members and secretary and sergeant at arms of the senate to withdraw; and during the discussion of said motion, the doors shall remain shut; and every member and officer of the senate shall keep secret all such matters, proceedings and things whereof secrecy shall be enjoined by order of the senate.

The 27th rule being read, Mr. Ellis moved to strike out all after the word 'senate,' in the 6th line, and add instead thereof, 'unless otherwise directed,' which was carried, and the rule then adopted, reading as follows:

27. Whenever the senate shall go into the consideration of executive business, the president shall direct the gallery to be cleared and the doors to be closed; and the proceedings of the senate, in such business, shall be kept in a separate journal, which shall not be inspected by any others than members of the senate, unless otherwise directed.

The 28th rule being read, and on motion of Mr. Hascall, amended by striking out the word 'unanimously,' was then adopted, as follows:

28. When nominations to office shall be made by the governor, a future day for taking them into consideration shall be assigned, unless the senate direct otherwise.

The 29th rule, in the words following, was then adopted :

29. All information and remarks by any senator concerning the character or qualifications of any person nominated to office by the governor shall be kept secret.

The 30th rule, being, on motion of Mr. Ellis, amended by striking out the words 'unanimous consent,' and inserting 'consent of three-fourths of the senate,' was adopted, as follows :

30. When a bill originated in the house of representatives shall have been lost there, neither the same or any other bill on the same subject and containing similar provisions, shall be subsequently introduced into the senate during the same session unless by consent of three-fourths of the senate.

The 31st rule being read, Mr. Ellis moved to strike out the word 'assembly,' and insert 'house of representatives ;' carried.

Mr. Hascall then moved to insert after the word 'representatives,' as follows, viz.: 'all United States officers,' which prevailed.



On motion of Mr. McDonell, the rule was further amended by adding after the word 'bar' the words 'without the order.'

Mr. McDonell moved a re-consideration of the vote upon inserting the words 'all United States officers,' which was lost.

Mr. Britain moved to recommit the rule to the committee to draft rules; not agreed to.

Mr. Ellis moved to strike out all after the word 'representatives,' and add as follows: 'and such officers of the United States, and reporters, as the president shall invite,' which motion prevailed.

Mr. Stockton offered the following substitute, which was accepted :

31. No person shall be admitted within the bar of the senate, unless by the invitation of the president or any member of the senate.

An amendment offered by Mr. Britain, having been lost; the above substitute was adopted as the 31st rule.

The 32nd rule, as reported, was on motion of Mr. McDonell, stricken out.

The 33rd, 34th and 35th rules, as reported, were then adopted, as the 32d, 33d, and 34th.

32. The president shall cause the secretary of the senate to make a list of all bills, resolutions, reports of committees, and other proceedings of this house which are committed to a committee of the whole senate, and which are not made the order of the day, for any particular day, which list shall be called the general orders of the day.

33. When the senate has proceeded to the general orders of the day, no other business shall be in order, until the general orders shall have been disposed of by laying them upon the table, or postponing them.

34. All the unfinished business of the preceding day shall have preference to any other.

The 36th rule of the report being read, was, on motion of

Mr. Ellis, amended by striking out the word 'suspended' in the second line; and thereupon adopted as the 35th rule.

35. No standing rule or order of the senate shall be rescinded, or changed, without one day's notice being given of the motion thereof; and no motion to that effect shall be in order without such notice; and no alteration or suspension of any rule shall take place without the assent of two thirds of the senators present.

Mr. Ellis offered the following as an additional rule, which was taken up for consideration:

36. All resolutions introduced in the senate shall lie one day on the table, unless otherwise directed.

Mr. Hascall offered the following amendment, which was lost:

All resolutions shall lay one day upon the table at the request of any member.

Mr. Britain then moved to add 'by a vote of two-thirds of the members present,' which was also lost.

Whereupon Mr. Ellis moved to add, 'by a majority of the senate.'

Before the question was taken on said amendment, the resolution, on motion of Mr. McDonell, was laid on the table.

On motion of Mr. Ellis,

*Ordered*, That fifty copies of the rules just adopted, be printed for the use of the senate.

Mr. Hough offered the following resolution, which (a motion to amend having been lost) was adopted:

*Resolved*, That when the senate adjourn, it adjourn to meet at 3 o'clock this afternoon.

On motion of Mr. McDonell,

*Resolved*, That a committee of three members be appointed to act jointly with such committee as may be appointed by the house of representatives as a joint committee to prepare and report joint rules for the government of both branches of the legislature.

Messrs. Davis, Stockton, and Hough were appointed said committee.

On motion of Mr. Hascall,

*Resolved*, That Sheldon McKnight be, and he is hereby, appointed printer for the senate, until otherwise directed.

Mr. Hascall gave notice that he would, on a future day, ask leave to bring in 'a bill to authorize the Executive of the state of Michigan to loan a certain sum of money to defray the necessary expences of the state.

The senate then adjourned.

#### AFTERNOON SESSION.

Three o'clock, P. M.

The senate met, pursuant to adjournment.

Mr. Hough moved that the senate now proceed to the consideration of the message received this forenoon from the house of representatives: which was agreed to.

The message of the house not being in possession of the secretary, it was, on motion of Mr. McDonell,

*Resolved*, That the copy of the resolution and amendment handed to the president by the secretary, be received by the senate as an authentic copy of said message.

Mr. McDonell moved a concurrence in said amendment, which was as follows:

Strike out the words 'and that a majority of the members present of each house shall be necessary to a choice,' and insert 'and that a majority of the votes given upon such joint vote be necessary to a choice;' which amendment, after some debate thereon, was concurred in by yeas and nays, as follows:

Yeas—Messrs. Britain, Davis, Finch, Hough, McDonell, Moody, Raynale, Rumsey, Ten Eyck—9.

Nays—Messrs. Clark, Comstock, Durocher. Ellis, Hascall, Stockton, President pro tem.—7.

Mr. McDonell moved that the secretary be directed to inform the house of representatives of the concurrence of the senate in the foregoing amendment; which motion was taken by yeas and nays, and decided in the affirmative, as follows:

Yeas—Messrs. Britain, Davis, Ellis, Finch, Hough, Mc-

Donell, Moody, Raynale, Rumsey, Ten Eyck, President pro tem.—11.

Nays—Messrs. Clark, Comstock, Durocher, Hascall, Stockton—5.

Mr. Hough offered the following resolution:

*Resolved*, (if the house of representatives concur therein,) That on Tuesday, the 10th instant, at 3 o'clock, P.M., the legislature proceed to the choice of two senators to represent this state in the congress of the United States.

Mr. Clark moved to strike out '3 o'clock, P.M.,' and insert '11 o'clock, A. M.;' carried.

The resolution as amended was then, on motion of Mr. Hough, laid on the table.

Mr. Hough then offered the following resolution, and moved that it be laid on the table; which motion prevailed:

*Resolved*, (if the house of representatives concur) That the senate will immediately meet the house of representatives in their hall, to compare their respective nominations for two senators to represent this state in the congress of the United States.

The senate then adjourned until 10 o'clock to-morrow morning.

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TUESDAY, November 15, 1836.

The senate met pursuant to adjournment.

The following message was received from the governor, by his private secretary, Kintzing Pritchette:

*'To the senate of the state of Michigan:*

I have this day approved and herewith return to you a joint resolution of the legislature prescribing the mode and manner of electing two senators to represent the state of Michigan in the congress of the United States.

STEVENS T. MASON.

Nov. 10, 1836.'

Mr. McDonell offered the following resolution, which on motion of Mr. Hough, was laid on the table:

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*Resolved*, That a committee of one member be appointed to act jointly with such committee as may be appointed by the house of representatives with instructions to cause the roof of the capitol to be repaired in such manner as in the judgment of said committee will best secure the building and to employ such person or persons as may be willing to contract for the undertaking and finishing of the same under the direction of the committee.

Mr. Hough called up the resolution yesterday offered by him, and then amended, in relation to the time of proceeding to the election of United States senators; and moved to amend by striking out '11,' and inserting '12'—Mr. Stockton moved to insert '3'—Mr. Britain called for a division of the question; the question being on striking out '11,' it was agreed to.

The question on filling the blank with '3' being put, it was declared lost.

The question then being on inserting '12,' Mr. Britain moved to insert '2,' which was agreed to.

On motion of Mr. Ellis, 'Tuesday the 10th instant' was stricken out, and the words 'this day' inserted.

A message from the house of representatives was received, transmitting the two following resolutions:

*Resolved*, (if the senate concur) That at 12 o'clock noon of this day, both houses of the legislature will proceed to the choice of two senators to represent this state in the congress of the United States, and that the senate and house of representatives, will immediately thereafter meet in the hall of the latter body to compare their respective nominations.

*Resolved*, That a committee of three be appointed to act with a like number from the senate, to draft and report joint rules for the government of both houses.

On motion of Mr. McDonell, the resolution and amendment now before the senate, were laid on the table.

Mr. McDonell then moved that the senate concur in the resolutions just received from the house: Mr. Hascall having

called for a division of the question, the question was put on concurring in the first of the said resolutions; whereupon Mr. Stockton moved to strike out '12,' which was lost.

Mr. Ellis moved to strike out '12' and insert '2,' which motion was also lost; and the senate thereupon concurred in said resolution.

The question then being put on concurring in the second of the above resolutions, on motion of Mr. McDonell, said resolution was laid on the table.

Mr. Rumsey gave notice that he would to-morrow ask leave to bring in a bill to authorize the executive to appoint commissioners to locate county seats, and establish the same, in the several counties, where seats of justice have not been located and established.

On motion of Mr. McDonell,

*Resolved*, That the house be informed of the concurrence of the senate in the resolution appointing a time for proceeding to the election of United States senators.

A message from the governor was received by his private secretary, as follows :

*'To the Senate of the state of Michigan :*

I have this day approved a joint resolution of the senate and house of representatives, designating the hour at which an election shall be held for the choice of two senators to represent the state of Michigan in the congress of the United States, and have returned the same to the house in which it originated.

STEVENS T. MASON.

Nov. 10, 1836.'

The hour for proceeding to the election of senators to the congress of the United States, having arrived, and being so announced from the chair, the senate proceeded to nominate in accordance with the resolution, two persons for senators to the congress of the United States.

Mr. McDonell nominated LUCIUS LYON and JOHN NORVELL:  
Mr. Comstock nominated LUCIUS LYON and JOHN BIDDLE.

The vote on the nomination was as follows:

For *John Norvell*: Messrs. Davis, Finch, Hough, McDonnell, Moody, Raynale, Rumsey, Ten Eyck,—(8.)

For *Lucius Lyon*: Messrs. Britain, Clark, Comstock, Davis, Durocher, Ellis, Finch, Hascall, Hough, McDonell, Moody, Raynale, Rumsey, Stockton, Ten Eyck, (Barry,) President pro tem.,—(16.).

For *John Biddle*: Messrs. Britain, Clark, Comstock, Durocher, Ellis, Hascall, Stockton, (Barry,) President pro tem.—(8.)

LUCIUS LYON was declared duly nominated by the senate as one of the persons to fill the office of senator in the congress of the United States, and that no other candidate having received a majority of the votes given, no other nomination for United States senator had been made.

The senate, on motion of Mr. Hough, then proceeded to nominate one other person for senator to the congress of the United States; the vote on which nomination was as follows:

For *John Norvell*: Messrs. Davis, Finch, Hough, McDonnell, Moody, Raynale, Rumsey, Ten Eyck,—(8.)

For *John Biddle*: Messrs. Britain, Clark, Comstock, Durocher, Ellis, Hascall, Stockton, (Barry,) President pro tem.,—(8.)

No choice having been made in the nomination of a second person for the congress of the United States, the senate, on motion of Mr. McDonell, proceeded again to nominate one person for that office: when the vote was as follows:

For *John Norvell*: Messrs. Davis, Finch, Hough, McDonnell, Raynale, Rumsey,—(6.)

For *John Biddle*: Messrs. Britain, Clark, Comstock, Durocher, Ellis, Hascall, Moody, Stockton, Ten Eyck, (Barry,) President pro tem.,—(10.)

Whereupon, JOHN BIDDLE was declared duly nominated by the senate as the other person to fill the office of senator to the congress of the United States.

Mr. Hough called up his resolution, laid on the table yes-

terday, in relation to meeting the house to compare nominations.

A committee from the house of representatives was announced, who informed the senate that the house was ready to meet the senate to compare nominations.

On motion of Mr. McDonell,

The senate then proceeded to the hall of the house of representatives, conducted by the committee of the house.

#### IN JOINT ASSEMBLY.

The senate having taken their seats in the house, the president pro tem. of the senate announced the nomination of senators to the congress of the United States, on the part of the senate, to be Lucius Lyon, and John Biddle.

The speaker of the house announced the nomination by the house of representatives to be Lucius Lyon and John Norvell.

The president pro tem. of the senate then announced that Lucius Lyon, having been nominated by both houses, was duly elected one of the senators to the congress of the United states.

On motion of Mr. McDonell,

*Resolved*, That the senate and house of representatives now proceed to elect, by joint vote, one other person for the office of senator to the congress of the United States.

Messrs. Clark (of the senate) and Whipple (of the house) were appointed tellers, who, by the secretary of the senate and clerk of the house, announced the result of the vote to be as follows:

*For John Norvell*: (Senate) Messrs. Davis, Finch, Hough, McDonell, Moody, Raynole, Rumsey, Ten Eyck; (house of representatives) Messrs. Alden, Brewer, Brown, Bradshaw, Britton, Crossman, Dodge, Fay, Ferrington, Godfroy, Hutchins, O. Howe, G. Howe, Hill, Hart, Mead, Morse, Mathews, Noyes, Smith, Sherman, Strong, Ullman, Van Every, Wheeler, Whipple, Convis (speaker)—35.



*For John Biddle:* (Senate) Messrs. Britain, Clark, Comstock, Durocher, Ellis, Hascall, Stockton, (Barry) president pro tem.; (house of representatives) Messrs. Brownell, Burdick, Charter, Ely, Ellenwood, Felch, Green, Gidley, Higley, Heath, Jackson, Lothrop, Monfere. Niles, Odell, Richardson, Summers, Tacles, Voorheis, Williams—28.

The president pro tem. of the senate then announced that JOHN NORVELL, having received a majority of all the votes, was duly elected senator to the congress of the United States.

The joint committee, on motion of Mr. McDonell, then adjourned.

### IN SENATE.

When the senate convened, it was announced from the chair that the nomination of Lucius Lyon, by the senate, having agreed with the nomination of the house of representatives, *Lucius Lyon* had been declared duly elected one of the senators to represent this state in the congress of the United States; and that the nomination of John Biddle by the senate not agreeing with the other nomination of the house, the two houses had proceeded to elect one person for the other senator to the congress of the United States, and that *John Norvell* had been declared duly elected to that office, having received a majority of the votes given upon such joint vote.

On motion of Mr. Hascall, it was

*Ordered*, That the proceedings in joint convention of the two houses be spread upon the journals of the senate, designating the vote of the senate from that of the house.

On motion of Mr. Hascall, the following notice was read and laid on the table:

The minority of the senate on the question relative to the mode, manner, and election of the United States senators, give notice that they will, on a future day, file their protest with the secretary of the senate, to be by him entered on the journal.

Mr. Britain laid the following resolution on the table:

*Resolved by the senate*, (if the house of representatives concur therein) That the joint committee appointed to prepare joint rules for the government of both branches of the legislature, be required to procure for the use of the members of the legislature copies of a volume containing the rules of the senate, of the house of representatives, and such joint rules as shall be adopted for the government of both branches of the legislature.

On motion of Mr. Hascall, the senate then adjourned until 10 o'clock to-morrow morning.

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WEDNESDAY, November 11, 1835.

The senate met pursuant to adjournment.

On motion of Mr. Rumsey,

*Resolved*, That a committee of three be appointed to inquire into the expediency of making some provision, as suggested by the executive, to supply vacancies and that they have liberty to report by bill or otherwise to the senate.

And Messrs. Rumsey, Comstock and Hascall were appointed said committee.

Mr. McDonell offered the following resolutions, which were adopted :

*Resolved*, That his excellency the governor, be requested to exhibit a statement of the disbursements made by him under the several acts of appropriation from the territorial treasury in support of the supremacy of the laws in the controversy with Ohio, together with the amount of the expenses incurred in maintaining the integrity of our southern border.

*Resolved*, That the auditor and treasurer of Michigan, be directed to report to the senate, the amount of receipts and expenditures of the treasury, since the last annual account rendered to the legislative council.

Mr. Ellis called up his resolution previously offered in relation to the term of service of the senators elect, and moved that the senate now proceed to the consideration of said reso-

lution, which was agreed to; and the resolution was adopted, being as follows :

*Resolved*, That the senate proceed to decide by lot, in accordance with the provisions of the 5th section of the 4th article of the constitution, the terms of service of the senators elect.

Mr. Moody gave notice that at some future day he would ask leave to bring in a bill for the subdivision of Jackson county.

Mr. Ellis then offered the following resolution, which was adopted:

*Resolved*, That the secretary prepare four lots, two of which shall be numbered 'two,' and two shall be numbered 'one'—that one senator from the first, and one from the second, one from the third, and one from the fourth senatorial district, draw from said lots for his respective district. From the district drawing lots No. 1, one senator shall go out at the expiration of one year; in the district drawing lot No. 2, two senators shall serve for the term of one year.

That each district including the fifth shall then draw separately, so many lots being prepared and marked No. 1, as there may be senators going out at the expiration of one year from said district, and so many lots prepared marked 2, as there shall be senators to go out at the expiration of two years; and the senators who draw lots marked No. 1, shall go out at the expiration of one year, and the senators drawing lots No. 2, shall go out at the expiration of two years.

The 1st and 2nd districts drew lots marked 'one;' and the 3rd and 4th districts, lots marked 'two.'

The senators from each district then drew separately, as follows:

From the 1st district, Mr. Davis drew for two years; Mr. McDonell for one year; and Mr. Ten Eyck for two years.

From the 2nd district, Mr. Durocher drew for one year; Mr. Ellis for two years; and Mr. Hough for two years.

From the 3rd district, Mr. Barry drew for one year; Mr.

Britain for two years; and Mr. Comstock for one year.

From the 4th district, Mr. Finch drew for one year; Mr. Moody for one year; and Mr. Rumsey for two years.

From the 5th district, Mr. Clark drew for one year; Mr. Hascall for two years; Mr. Raynale for two years; and Mr. Stockton for one year.

Mr. McDonell called up his resolution offered yesterday in relation to repairing the roof of the capitol, and moved that the senate proceed to the consideration of the resolution, which was agreed to; and the resolution, on motion of Mr. Hough, being amended by striking out the words 'one member,' and inserting 'two members,' was adopted.

Messrs. McDonell and Clark were appointed said committee.

Mr. Hascall asked and obtained leave to bring in a bill to authorize the executive to loan a certain sum of money:

Messrs. Hascall, Britain and Rumsey were appointed a committee to bring in said bill.

Leave of absence was granted to Mr. Comstock for to-day—and to Mr. Davis for one week.

Mr. Rumsey asked and obtained leave to bring a bill to authorize the executive to appoint commissioners to locate county seats, and establish the same in the several counties where seats of justice have not been located and established: and,

Messrs. Rumsey, Raynale and Durocher were appointed a committee to bring in said bill.

Mr. Davis laid the following resolution on the table:

*Resolved*, That when the senate adjourns, the 13th inst., it adjourns to meet at the capitol in the city of Detroit, on the 8th day of January next.

On motion of Mr. McDonell,

*Ordered*, That the secretary inform the house of representatives of the passage of the resolution called up by him to-day.

On motion of Mr. Hascall,

*Resolved*, That a committee to consist of three members be appointed to act in concert with a committee appointed by the house of representatives to draft a memorial to the congress of the United States to accompany the constitution of the state of Michigan ; and that the secretary inform the house of the appointment of said committee.

Messrs. Hascall, Ellis and Finch were appointed said committee.

Mr. Hascall, from the committee to bring in a bill to authorize the executive to loan a certain sum of money, reported a bill, which, being read the first and second times, was on motion of Mr. Britain, committed to the committee of the whole, and ordered to be printed.

A message was received from the house of representatives, transmitting a bill, entitled 'A bill fixing the pay of members of the legislature, and for other purposes.'

Mr. Durocher offered the following resolution, which was laid on the table:

*Resolved*, That the senate proceed to elect a state treasurer.

Mr. Hough called for the reading of the bill from the house, which being read the first time, was on motion of Mr. Hough, ordered to a second reading; and to be printed.

Mr. Clark called for the consideration of the resolution last offered by Mr. Durocher; which was disagreed to.

Mr. Davis, from the committee to draft joint rules, made a report.

On motion of Mr. Ellis, the senate proceeded to the consideration of the report, taking up each rule separately.

The 7th rule being amended, on motion of Mr. Britain, by adding, 'unless by consent of three-fourths of the members present of the house receiving it;' the rules were all adopted as reported, and a copy ordered to be sent to the house.

Mr. Hascall laid the following resolution on the table:

*Resolved*, That the senate meet in the hall of the house of representatives to-morrow at o'clock, A. M., for the pur-

pose of appointing by a joint vote of the two houses, a state treasurer.

*Resolved*, That the above resolution be sent to the house of representatives for their concurrence.

On motion of Mr. Clark, the senate then adjourned till 10 o'clock, A. M., to-morrow.

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THURSDAY, NOV. 12, 1835.

The senate met pursuant to adjournment.

Mr. McDonell, from the joint committee of ways and means, reported a bill entitled 'A bill making appropriations for the year 1835, &c.,' which, being read a first and second time, was committed to committee of the whole.

The senate thereupon resolved itself into committee of the whole on said bill, Mr. Hough in the chair, and after some time spent thereon, the committee rose and reported progress; and asked and obtained leave to sit again.

Mr. Hascall called up the resolution yesterday offered by Mr. Davis, in relation to the adjournment of the legislature, and moved its consideration, which, being agreed to, Mr. Hascall then offered the following as a substitute:

*Resolved*, That the senate will adjourn on the 13th November instant, at o'clock, P.M., to the first Monday in February, then to meet at in the county of

*Resolve*, That the above resolution be sent to the house of representatives, for their concurrence.

Mr. Hascall moved to fill the first blank with 'three:' which was agreed to.

Mr. Hascall moved to fill the other blanks with the words 'Ann Arbor'—'Washtenaw,' which motion was lost.

Mr. McDonell moved to lay the resolutions and amendment on the table.

Mr. Britain moved to refer them to a select committee; which motion prevailed.

Messrs. McDonell, Britain, and Hascall, were appointed said committee.

The senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill, from the house of representatives, entitled 'A bill fixing the pay of the members of the legislature, and for other purposes;' and after some time spent in the consideration of said bill, the committee rose and reported progress, and asked and obtained leave to sit again.

On motion of Mr. McDonell, the committee of the whole was discharged from the further consideration of the subject.

Whereupon Mr. Ellis moved a reference to a select committee, with instructions to report this afternoon, which was agreed to.

Messrs. Ellis, Hough, and Durocher, were appointed said select committee.

The senate, on motion of Mr. Hascall, then resolved itself into committee of the whole, Mr. Rumsey in the chair, on the 'Bill to authorize the Executive to loan a certain sum of money;' and after some time spent thereon, the committee rose and reported the same back to the senate without amendment.

The senate, on motion of Mr. Hascall, concurred in the report of the committee of the whole;

And the bill, on motion of Mr. Hascall, was ordered to be engrossed and read a third time this afternoon.

A message was received from the executive, on executive business.

On motion of Mr. Hascall,

*Resolved*, That a committee of three members be appointed to receive a report from the Executive relative to the amount of money expended in support of the supremacy of the laws in the controversy with Ohio, as requested by a resolution of the 11th instant.

Messrs. Hascall, McDonell, and Hough, were appointed the committee.

The senate, on motion of Mr. Britain, adjourned until three o'clock, P. M.

## AFTERNOON SESSION.

Three o'clock, P. M.

The senate met, pursuant to adjournment.

Mr. Hough offered the following resolution:

*Resolved*, That the committee on ways and means be authorized to procure six copies of the revized statutes of the state of New York for the use of the senate.

On motion of Mr. Comstock,

The resolution was amended by striking out the word 'six,' before copies, and inserting 'three,' and the resolution so amended, was adopted.

A message from the house was received, announcing their concurrence in the resolution in relation to the repair of the roof of the capitol; returning the joint rules of the two houses, with sundry amendments; and accompanied with a bill for the pay of the officers of the legislature, and a resolution in relation to a joint committee to revise the laws.

Mr. Britain, from the select committee on the resolution relative to the adjournment of the legislature, reported: 'A bill to provide for the adjournment of the legislature, and for other purposes:' which being read a first and second time, was committed to committee of the whole.

Mr. Britain asked and obtained leave to bring in a bill to organize the village of New Buffalo, Berrien county: and Messrs. Britain, Raynale, and Moody, were appointed the committee for that purpose.

Mr. Rumsey, from the committee to inquire into the expediency of making provision by law for filling vacancies in certain offices, reported adverse to making such provision, which report was accepted, and the committee discharged from further consideration of the subject.

Mr. Ellis from the select committee, on the bill for the payment of the members of the senate and house of representatives, &c., reported two additional sections, to stand as sections three and four, which were adopted.



Mr. Comstock moved to amend the 2nd section by striking out 'two thousand' where it occurs in said section: lost.

Mr. Moody moved a reconsideration of the vote, which was agreed to, by yeas and nays as follows:

Yeas—Messrs. Britain, Clark, Comstock, Durocher, Ellis, Hascall, Moody, President pro tem.—(8.)

Nays—Messrs. Finch, Hough, McDonell, Raynale, Rumsey, Ten Eyck,—(6.)

The question then recurred on striking out 'two thousand,' which was lost by yeas and nays, as follows:

Yeas—Messrs. Britain, Clark, Comstock, Durocher, Ellis, Hascall, President pro tem.—(7.)

Nays—Messrs. Finch, Hough, McDonell, Moody, Raynale, Rumsey, Ten Eyck,—(7.)

Mr. Clark moved to strike out 'two thousand,' and insert 'fifteen hundred,' which was lost by yeas and nays, as follows:

Yeas—Messrs. Britain, Clark, Comstock, Durocher, Ellis, Hascall, President pro tem.—(7.)

Nays—Messrs. Finch, Hough, McDonell, Moody, Raynale, Rumsey, Ten Eyck,—(7.)

The bill was then read a third time.

Mr. Rumsey moved to fill the blanks in the first section with 'two,' adding fifty cents.

Mr. Hough moved to fill with 'three,' which was lost.

The question being put on filling with 'two,' adding fifty cents, was lost by the yeas and nays, as follows:

Yeas—Messrs. Ellis, Raynale, Rumsey, President pro tem.—(4.)

Nays—Messrs. Britain, Clark, Comstock, Durocher, Finch, Hascall, Hough, McDonell, Moody, Ten Eyck,—(10.)

Mr. Finch moved to fill with 'two,' which was lost by yeas and nays as follows:

Yeas—Messrs. Britain, Clark, Comstock, Durocher, Finch, Hascall, President pro tem.—(7.),

Nays—Messrs. Ellis, Hough, McDonell, Moody, Raynale, Rumsey, Ten Eyck,—(7.)

Mr. McDonell moved to lay the bill on the table; which motion did not prevail.

Mr. Ellis moved to fill the blank with 'one.' Mr. Hough with 'two,' adding ninety-nine cents.

Mr. Rumsey then moved that the senate adjourn until 9 o'clock to-morrow morning, which motion was lost.

The senate, on motion of Mr. Hascall, then went into the consideration of executive business.

When the doors were opened, the senate adjourned till 10 o'clock to-morrow morning.

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FRIDAY, NOV. 13, 1835.

The senate met pursuant to adjournment.

Mr. Britton called up a resolution previously offered by him, in the words following:

*Resolved*, That the senate proceed to the election of president pro tempore of the senate.

A message from the house was received, announcing the passage of a resolution fixing the time of adjournment and to what period; and of one for the appointment of a joint committee to revise the laws.

Mr. McDonell moved to amend the resolution under consideration, by adding 'to serve for and during the time for which said president pro tempore shall have been elected to the senate;' which was agreed to, and the resolution so amended was then adopted.

Mr. McDonell having been called to the chair, announced that JOHN S. BARRY had been duly elected president pro tem. the result of the vote on said election being as follows:

*For John S. Barry*: Messrs. Britain, Clark, Comstock, Durocher, Ellis, Finch, Hascall, Hough, McDonell, Moody, Raynale, Rumsey, Ten Eyck—13.

*For John McDonell*: Mr. (Barry) President pro tem.—1.

Mr. Clark offered the following resolution, which was adopted:

*Resolved*, That a select committee of five members be appointed to report, at the next meeting of the senate, the amount of salary that ought to be allowed to all state officers by law.

Whereupon, Messrs. Clark, Moody, Britain, Hough, and Ten Eyck, were appointed said committee.

Communications were received from the treasurer and auditor, which, on motion of Mr. Hough, were referred to the committee of ways and means.

Mr. McDonell being called to the chair, on motion of Mr. Hough, a committee of two members was appointed to wait on the governor and inform him of the election of John S. Barry, as president pro tem. of the senate, and a like committee to inform the house of representatives of said election;

Messrs. Hough and Durocher were appointed the committee to wait upon the governor; and,

Messrs. Hascall and Moody the committee to inform the house of representatives of said election.

The committees having retired, in a short time severally returned and reported that they had performed the duties assigned them.

On motion of Mr. Hascall, the senate took up the bill to authorize the executive to loan a certain sum of money.

The bill being read a third time, Mr. Hascall moved to fill the first blank with 'one hundred thousand;' Mr. Comstock with 'sixty thousand.'

The question on filling the blank with 'one hundred thousand,' being put, was carried.

The blank at the end of the 6th line was filled with the words the 'executive.'

The words 'to be paid annually or semi-annually,' were by consent, added after the words per annum, in the 9th line.

On motion of Mr. Comstock, the blank in the 11th line was filled with 'twenty.'

On motion of Mr. Ellis, the blank in the 9th line was filled with the word 'six.'

On motion of Mr. Ellis, the senate took up the bill for the payment of the members of the senate and house of representatives, and for other purposes.

On motion of Mr. Hough, the words 'two thousand' where they occur in the second section of said bill, were stricken out.

On motion of Mr. Ellis, the vote on striking out the word 'three,' in the first section, was reconsidered.

The question then recurring on striking out the word 'three,' the motion to strike out was lost; and the word 'three' was retained.

On motion of Mr. Hough, the blanks in the second section were filled with the words 'nineteen hundred.'

The question being put, 'shall this bill pass;' it was decided in the negative, by yeas and nays, as follows :

Yeas—Messrs. Durocher, Hough, McDonell, Raynale, Rumsey, Ten Eyck—6.

Nays—Messrs. Britain, Clark, Comstock, Ellis, Finch, Hascall, Mpody, President pro tem.—8.

And the bill was therefore declared lost.

On motion of Mr. Hascall, the senate went into the consideration of executive business.

When the doors were opened,

A message from the house of representatives was received transmitting a bill entitled 'A bill to authorize the late acting governor of the territory of Michigan to pay certain sums of money in his hands, to the fiscal agent to be appointed by the legislature ;'

A resolution that the senate meet the house of representatives in their hall this afternoon at 4 o'clock, to elect a state treasurer;

And a resolution instructing our senators and representative in congress in relation to laws which may be introduced on the subject of slavery.

The senate, on motion of Mr. Hough, then adjourned to 3 o'clock, P. M.

AFTERNOON SESSION.

Three o'clock, P. M.

The senate met pursuant to adjournment.

On motion of Mr. McDonell, the senate resolved itself into committee of the whole, Mr. Moody in the chair, on the bill making appropriations for the year 1835; and after some time spent thereon, the committee rose, and reported the bill back to the senate with sundry amendments, in which they asked the concurrence of the senate.

The senate, on motion of Mr. McDonell, concurred in the several amendments made in the committee of the whole;

And the bill, on motion of Mr. McDonell, was ordered to be engrossed and read a third time this afternoon.

A message from the house was received, announcing the concurrence of the house of representatives in a bill to authorize the executive to loan a certain sum of money.

Mr. Ellis moved a reconsideration of the vote on the final passage of the bill for the payment of members, &c.; which was agreed to.

Mr. McDonell moved that the second section be stricken out, the question on receiving which amendment for discussion being put and carried, said section was stricken out.

And the bill, as amended, then passed.

The senate, on motion of Mr. Ellis, then took up the bill from the house of representatives for the pay of officers of the legislature.

The bill was read a first time; and the 11th rule being suspended, a second time; and committed to committee of the whole.

A message from the house was received, informing the senate that the house of representatives had concurred in the amendments made in the senate to the bill for the payment of members of the senate and house of representatives, and for other purposes.

The senate then went into committee of the whole, Mr. Hascall in the chair, on the bill for the pay of officers of the legislature: and after some time spent thereon, the committee rose, and reported the same back to the senate with sundry amendments, in which the committee asked the concurrence of the senate.

The question being on concurring in the first amendment increasing the pay of the sergeant-at-arms and door-keeper of the house of representatives, from 'two dollars and fifty cents' to 'three dollars' was agreed to.

The senate then concurred in the second amendment, allowing the sergeant-at-arms and door keeper of the senate, 'three dollars' per day.

The third amendment, inserting 'president pro tem. of the senate' was then concurred in.

The fourth amendment, striking out the 4th section of the bill, was also concurred in.

Mr. Hascall moved to amend further by increasing the pay of the messenger and assistant messenger of the house 'three dollars' per day, instead of 'two'; the question being divided, both parts of said amendments were lost.

The bill was then ordered to a third reading.

Mr. McDonell, from the committee on ways and means, reported back the documents from the treasurer and auditor referred to said committee, and moved that they be spread on the journals, which was agreed to.

*(See Senate documents No. 3 and 4.)*

Mr. Rumsey, from the select committee appointed for that purpose, brought in a bill entitled, 'A bill to provide for establishing seats of justice,' which was read the first time.

Mr. Rumsey moved a suspension of the 11th rule, in order that the bill might be read a second time, which motion did not prevail.

The senate then adjourned to half past six o'clock, P. M.

#### EVENING SESSION.

On motion of Mr. McDonell, the bill entitled, 'A bill making appropriations for the year 1835,' was read a third time:

and on motion of Mr. McDonell, the first blank, in section 2nd was filled with 'nine.'

On motion of Mr. Finch, the bill was committed to the committee on expenditures, with instructions to report thereon to-morrow morning at 10 o'clock, A. M.

On motion of Mr. McDonell,

The senate then went into consideration of executive business.

When the doors were opened, it was, on motion of Mr. Britain,

*Resolved*, That the capitol together with the appurtenances be placed under the charge of the joint committee of ways and means according to the existing rules during the vacation of the legislature; and that said committee cause all furniture belonging to said building to be placed therein.

Mr. Britain, from the select committee appointed for that purpose brought in a bill entitled 'A bill to organize the township of New Buffalo', which was read a first time, and laid on the table.

On motion of Mr. Britain,

The bill entitled 'A bill to provide for the adjournment of the legislature,' was taken up, and ordered to be engrossed and read a third time this day.

On motion of Mr. McDonell, the resolution from the house of Representatives in relation to moneys in the hands of the late acting governor of the territory, and the appointment of a fiscal agent, was taken up, and read a first, and by consent of three fourths a second time, and ordered to a third reading.

On motion of Mr. Hascall, the bill was referred to a select committee, consisting of Messrs. Ellis and McDonell.

Mr. Hough then moved that the senate take up the resolution from the house, in relation to a committee to revise the laws; which motion did not prevail.

The resolution from the house of representatives, in relation to the election of a state-treasurer, being taken up, was non-concurred in.

On motion of Mr. Clark,

The vote on the resolution for a committee to revise the laws, was reconsidered.

The question was then taken on concurring in the resolution, which was as follows:

*Resolved*, That a joint committee to consist of one member of the senate, and three members from the house of representatives be appointed to revise the existing laws of this state, and report what alterations or additions are necessary in view of a change from a territorial to a state government, and that said committee report the result of their labors at the adjourned session of the legislature.

The question on concurring in said resolution, was decided by yeas and nays, in the negative as follows:

Yeas—Messrs. Ellis, McDonell—2.

Nays—Messrs. Britain, Clark, Comstock, Durocher, Finch, Hascall, Hough, Moody, Raynale, Rumsey, Ten Eyck, President, pro tem.—(12.)

The senate, on motion of Mr. McDonell, then took up the consideration of the following resolution from the house:

*Resolved*, That our senators be instructed and our representative requested, to oppose any law that may be introduced in congress calculated to impair the constitutional and legal rights of the states where slavery exists, excite a spirit of distrust between different portions of the United States, or disturb the harmony of the country.

Mr. Britain moved a postponement of the question on concurring till half past 10 o'clock A. M., to-morrow; which motion did not prevail: and the question then being put on concurring in the resolution, it was lost.

Mr. Hascall gave notice that on a future day he would ask leave to bring in a bill to abolish imprisonment for debt.

Leave of absence, after to-day, was granted to Mr. Clark.

On motion of Mr. Durocher, the senate then adjourned until 10 o'clock to-morrow morning.



SATURDAY, NOV. 14, 1835.

The senate met pursuant to adjournment.

Mr. Durocher, from the select committee to whom had been committed the bill entitled 'a bill making appropriations for the year 1835,' reported the same back with amendments; which report was accepted, and the amendments concurred in by the senate.

And the bill then passed.

Mr. Ellis, from the select committee, to whom had been committed the bill from the house of representatives entitled 'A bill to authorize the late acting governor of the Territory of Michigan to pay certain sums of money in his hands to the fiscal agent, to be appointed by the legislature,' reported the same back with an amendment, as a substitute, entitled 'A bill to authorize the payment of certain sums of money into the treasury; which amendment was adopted.

The bill was then read a third time and passed.

A message was received from the Executive through Mr. Pritchette, secretary of state, as follows:

*'To the senate of the state of Michigan:*

I have this day approved and filed in the office of the secretary of state, an act entitled 'An act to authorize the Executive to loan a certain sum of money.

STEVENS T. MASON.

Detroit, Nov. 14, 1835.'

On motion of Mr. Hough,

The bill entitled 'A bill to provide for the adjournment of both houses of the legislature,' was taken up and read a third time; and the blanks in said bill being filled, the bill then passed; and the title, on motion of Mr. Britain, was amended by adding thereto the words 'and to provide for the meeting of said legislature in the year 1836.'

On motion of Mr. Comstock,

*Resolved by the senate,* That the Executive be required to ascertain the amount, as near as may be, of the money and expenses incurred in supporting the supremacy of the laws

in the controversy with Ohio, and maintaining the integrity of our southern boundary; and to report and advise the same to our senators and representative in congress, who are hereby requested to procure the payment of the same by the congress of the United States.

On motion of Mr. Ellis,

The amendments made by the house of representatives to the joint rules of both houses, were taken up, and were severally concurred in.

On motion of Mr. Hough,

The bill from the house of representatives, entitled 'A bill to provide for the payment of the officers of the legislature,' was taken up and read a third time.

Mr. Comstock moved to commit the bill to a select committee of three; which was lost.

The question on the final passage of the bill was then decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Britain, Hough, Moody, Rumsey, Ten Eyck, President pro tem.—6.

Nays—Messrs. Comstock, Durocher, Ellis, Finch, Hascall, McDonell, Raynale—7.

On motion of Mr. Ellis, the vote last taken was reconsidered; and

On motion of Mr. Moody, the vote on committing the bill was also reconsidered;

And the bill was thereupon committed to a select committee of three, consisting of Messrs. Durocher, Hascall, and Hough.

A message was received from the house of representatives informing the senate of their concurrence in the amendment to a bill from the house of representatives, entitled 'A bill to authorize the payment of certain monies into the treasury;' and in the resolution relative to a joint committee on the library.

Mr. Rumsey moved that the senate now take up the bill entitled 'A bill to establish county seats;' which motion was decided in the negative by yeas and nays, as follows:

Yeas—Messrs. Britain, McDonell, Moody, Raynale, Rumsey, Ten Eyck—6.

Nays—Messrs. Comstock, Durocher, Ellis, Finch, Hascall, Hough, President pro tem.—7.

Mr. Comstock offered the following resolution, which was adopted :

*Resolved by the senate and house of representatives, That our senators in congress are hereby instructed, and our representative requested, to procure an immediate appropriation to construct and improve the harbors of the St. Joseph and Kalamazoo rivers.*

A message from the house was received, announcing that the house of representatives had concurred, without amendment, in the bills from the senate, entitled 'A bill making appropriations for the year 1835;'

And 'a bill to provide for the adjournment of both houses of the legislature, and to provide for the meeting of said legislature in the year 1836.'

Mr. Durocher, from the select committee, to whom was committed the bill to provide for the payment of the officers of the legislature, reported back the same with sundry amendments, some of which were concurred in and some rejected by the senate; and the bill, as amended, then passed the senate.

The senate then adjourned till 2 o'clock, P.M.

AFTERNOON SESSION.

Two o'clock, P. M.

A message was received from the house of representatives, informing the senate that the house non-concurred in the amendments made by the senate to the bill entitled 'A bill to provide for the payment of the officers of the legislature;' and that the house respectfully asked a committee of conference; and that the house concurred in the resolution relative to the capitol during vacation.

On motion of Mr. Britain, the following joint resolution passed the senate:

*Resolved, by the senate and house of representatives, That the journals and other documents of both houses of the legislature, be deposited in the office of the secretary of state, and that he shall cause the laws and journals of the present session to be published in pamphlet form.*

Mr. McDonell, from the committee of ways and means, reported a bill, entitled 'A bill to authorize a certain loan,' which was read a first time; and the necessary rule being suspended, was read the second time and recommitted to the same committee, who reported the same back to the senate with an amendment, which was concurred in, and the bill was then read a third time, and the blanks therein being filled, was passed.

The title, on motion of Mr. McDonell, was then amended by adding thereto, 'and for other purposes.'

A message from the house of representatives was received, announcing that they had concurred in a resolution, appointing a joint committee to confer in regard to the number of officers required for both houses, and their compensation; and transmitting a bill, entitled 'a bill to provide for the payment of the salary of the governor.'

On motion of Mr. Hough,

Said bill was then taken up and read the first time; and the necessary rule being suspended, was read a second and third time and passed.

A message was received from the house of representatives, returning, without amendment, the bill entitled 'A bill to authorize a certain loan, and for other purposes;' and transmitting a resolution in relation to the joint committee appointed to draft a memorial.

A message was also received, announcing the concurrence of the house in a resolution in relation to an appropriation by congress, to improve the harbors of the St. Joseph and Kalamazoo rivers.

The senate then adjourned till half-past 6 o'clock.

## EVENING SESSION.

Half-past six o'clock, P.M.

The senate met, pursuant to adjournment.

Mr. McDonell submitted the following joint resolution, which was adopted by the senate:

*Resolved by the senate and house of representatives of the State of Michigan,* That all moneys that, by laws passed by this legislature, are required to be paid into the hands of the state treasurer, be, and the same are hereby directed to be paid into the hands of Alexander H. McKinstry, fiscal agent of the legislature of the state during the present session.

A message was received from the house, announcing their concurrence in the resolutions relating to the journals and laws of the present session; and transmitting a resolution in regard to certain estimates from the Executive; and returning the bill entitled 'A bill for the payment of the officers of the legislature,' with amendments, in which they asked the concurrence of the senate.

On motion of Mr. Hough,

The amendments to said bill were concurred in by the senate.

A message was received from the Executive, through the secretary of state, as follows:

*'To the senate of the State of Michigan:*

I have this day approved and filed in the office of the secretary of state, the following acts, viz:

'An act to provide for the payment of the salary of the governor;'

'An act to authorize the payment of certain sums of money into the treasury;'

'An act to provide for the adjournment of both houses of the legislature, and to provide for the meeting of said legislature in the year 1836;'

'An act making appropriations for the year eighteen hundred and thirty-five.'

STEVENS T. MASON.

Detroit, Nov. 14, 1835.'

Mr. Britain from the select committee appointed for that purpose, submitted a report in regard to the number of officers of the two houses of the legislature, and their compensation.

Mr. Britain moved that the senate concur in the reports of the committee, and appoint a committee of three to report a bill on the second day of the next session of the legislature to carry the report of the committee into effect, and to prescribe the duties of said officers.

On motion of Mr. Hough,

The question on said motion and on concurring in the report, was postponed until the second day of the next session of the legislature.

A message was received from the house of representatives announcing that they had concurred in a joint resolution in regard to placing certain money in the hands of the fiscal agent.

On motion of Mr. Ellis,

The senate concurred in the following resolution from the house of representatives:

*Resolved by the senate and house of representatives of the state of Michigan,* That the joint committee appointed by the senate and house of representatives, to prepare a memorial to the congress of the United States to accompany the state constitution and the application of the state for admission into the federal union, be, and they are hereby authorized, to prepare and forward said memorial to our senators and representative after the adjournment of the legislature.

A committee from the house was announced, who informed the senate, that the house had no further business before them, and were ready to adjourn; and requested the appointment of a com. on the part of the senate, to wait, jointly with the committee of the house, upon the governor, and inform him that both houses were now ready to adjourn, and to inquire if he had any further communication to make to either house of the legislature.

Messrs. Hascall and Ten Eyck were appointed said committee on the part of the senate.

The following message was received from the governor, by the secretary of state:

*'To the Senate of the state of Michigan :*

I have this day approved and filed in the office of the secretary of state the following bills, viz.

*'An act to authorize a certain loan, and for other purposes.'*

*'An act to provide for the payment of the officers of the legislature;'* and

*'A resolution authorizing all moneys heretofore directed to be paid to the state treasurer, to be paid to the fiscal agent of the legislature.'*

STEVENS T. MASON.

Detroit, Nov. 14, 1835.'

Mr. Hascall from the committee appointed to wait on the governor, informed the senate that the governor had no further communication to make to either house.

On motion of Mr. Hough,

*Resolved unanimously,* That the thanks of the senate be presented to the Hon. John S. Barry, president pro tem. thereof, for his faithful, impartial, and dignified discharge of the duties of that station.

On motion of Mr. McDonell,

*Resolved,* That the senate do now adjourn sine die.

The president pro tem. then declared the senate adjourned to meet according to law.

# SENATE JOURNAL.

ADJOURNED SESSION.

*February 1st.—March 28th,*

1836.

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MONDAY, February 1st, 1836.

Twelve o'clock, M.

The senate met pursuant to law.

Present, the president and a quorum of members.

The roll being called, the following members answered to their names:

Mr. President, Messrs. Barry, Clark, Comstock, Davis, Hascall, Hough, McDonell, Moody, Raynale, Rumsey, Stockton, Ten Eyck.

On motion of Mr. McDonell,

*Ordered*, That the secretary inform the house of representatives, that the senate are now organized and ready to proceed to business.

A committee from the house of representatives was announced, who informed the senate, that the house was now organized and ready to proceed to business.

On motion of Mr. McDonell,

*Resolved*, That a committee of two members be appointed to act jointly with such committee as may be appointed on the part of the house of representatives, to wait on his excellency the governor, and inform him that a quorum of both



branches of the legislature have assembled and are now organized and ready to receive any communication he may be pleased to make.

Messrs. McDonell and Hascall were appointed said committee, on the part of the senate.

A message from the house was received through their clerk, announcing their concurrence in the above resolution from the senate.

Mr. McDonell, from the joint committee appointed to wait upon the governor, reported that they had waited upon his excellency, and that he would deliver forthwith a message to both houses in the hall of the house of representatives.

A committee from the house announced that they were ready to conduct the senate to the hall of the house of representatives.

Whereupon, on motion of Mr. Barry,

*Resolved*, That the senate now proceed to the hall of the house of representatives.

#### IN JOINT ASSEMBLY.

The senate having been conducted to the hall, and taken their seats.

On motion of Mr. Barry,

*Resolved*, That a committee of two members from each house be appointed to wait upon his excellency the governor, and inform him that both houses were now ready in the hall of the house of representatives to receive any communication he might see fit to make.

Whereupon, Messrs. Barry and Rumsey, on the part of the senate, and Messrs. Noyes and Whipple, on the part of the house, were appointed that committee.

The committee having returned, and conducted his excellency to his seat, he then delivered the following

#### MESSAGE.

*Fellow-citizens of the Senate*

*and House of Representatives :*

It would have afforded me the highest satisfaction, fellow-

citizens, to have been able to communicate to you, at this time, the favorable result of our application for admission into the union as a member of the national confederacy.— Entitled to the right of self-government, by the ordinance and acts from which they received their existence as a distinct political community, the people of Michigan had every reason to expect, that this right would have been acknowledged by congress at an earlier period of their session. In this just and reasonable expectation, however, they have been disappointed, and it is with deep regret I am compelled to state, that their application remains without the final action of congress, and that its ultimate fate is yet unknown.

We can but believe the motives which may govern that distinguished assemblage of American citizens, the congress of the United States, in the decision they may arrive at, will be pure and patriotic ; neither ought we to doubt, but that that decision, when made, will be favorable to our interests and rights. But, while we feel and acknowledge all this, a duty has devolved upon you, fellow citizens, as the representatives of the feelings and determinations of the people of Michigan, which forbids you to contemplate the objects of your session in any other capacity than that of the sworn legislators of the commonwealth. It is made your duty, by the constitution, to guard against any possible infringement of the rights of your constituents, and I feel assured you will meet the charge with all that fidelity and firmness which its importance demands.

The position which Michigan now occupies with the nation, is a peculiar although not a new one in the history of our government. It is that of a people claiming and exercising all the reserved rights and privileges of an American state, and yet excluded from the bonds of the federal union. By every friend of his country, this state of things is deeply to be deplored; and its continuation must lead to the most unfavorable results to our permanent welfare as a nation, as it is calculated to weaken the ties by which the American people are

bound together. The great object of your session is to remedy this evil, so far as it can be effected by your councils and advice, without the surrender to the general government or to others, the natural as well as sacred compact rights of the people whom you represent.

The work before you then, is one of the most vital importance to the nation and the state, and is of a character which demands your gravest consideration. The proceedings which have been adopted in the effort to secure us the privileges of self-government, have resulted from the deliberate action of the people of Michigan; and the decision of that people cannot be tamely abandoned. No event therefore could fill them with greater anxiety than that which your session creates, for it is to your wisdom, firmness and decision, that our fellow-citizens look for that support which is to bear them triumphantly through the embarrassments which now surround us, and advance them on the pathway of happiness and prosperity to which our rising commonwealth is destined.

It may not prove unimportant to a correct understanding of the position which we occupy, that I should briefly trace the measures and proceedings which have been adopted by your constituents, in the establishment of their state government, and in their efforts to obtain admission into the Union as one of the states of the American confederacy.

Under the impression, that the then territory of Michigan, possessed a population sufficient to justify an application for her admission into the Union as a state, the legislative council in eighteen hundred and thirty-one passed a law taking by a direct vote the judgment of the people on the expediency of forming a state government. The result of this vote was an almost unanimous expression in favor of a state government. Anxious, however, to secure the approbation and support of the general government in the effectuation of so desirable a measure, petitions were for several years presented to congress, asking the passage of a law by that body, authorizing

the people of Michigan to form a permanent constitution and state government. These repeated applications were, however, unsuccessful, not receiving the action of congress.

Deeming the wishes of their constituents to be neglected; and their just rights denied them by congress, the legislative council directed the enumeration of the inhabitants of the territory of Michigan to be taken in the year eighteen hundred and thirty-four. The returns of this enumeration exhibited a population of nearly one hundred thousand, being equal to the ratio for two representatives in congress, according to the federal apportionment. Application was again renewed to congress by the legislative council, asking for Michigan the same liberality as had been extended to all the new states when admitted into the union, with less than one half her population, and these petitions, notwithstanding our greatly increased number of inhabitants, were again disregarded.

Wearied with making repeated applications, and having no reason to believe that the policy of congress would be changed, the legislative council in obedience to public sentiment, and by virtue of an authority derived from the irrevocable ordinance of seventeen hundred and eighty-seven, on the twenty-fourth day of January, eighteen hundred and thirty-five, passed 'an act to enable the people of Michigan to form a constitution and state government.' The convention under this law met in May of the same year, and the result of their labors was the state constitution under which you are now assembled. A question has arisen as to the right of the people to adopt this constitution without the previous authority of congress, and with it, is consequently involved the power of the legislature to enter into the enactment of the laws at their present session. It will be my duty, fellow citizens, to submit to you the result of my reflections on the subject, without permitting myself to direct in measures which are exclusively within your province, as the legislative department of the government.

Most of the states that have been admitted into the union

since the adoption of the federal constitution, had received the previous assent of congress by a law enabling the people to form a permanent constitution and state government.— This power to admit new states, was derived from the provision of the federal constitution, which declares that new states *may* be admitted into the union. The power here given congress, strictly construed, was intended to apply to cases where new states were to be formed out of the territory *acquired by the United States after the adoption of the federal constitution*. Under the old articles of confederation, the vote of nine states was required to admit a new member into the confederation. In the convention to form the federal constitution, this power of admitting states was one of the questions attended with the greatest difficulty in its adjustment ; the other question was, the basis of representation in congress. To such a degree had the divisions on these subjects extended, that the convention were several times on the eve of an adjournment without accomplishing any thing. The congress of seventeen hundred and eighty-seven were then in session, and the states having then ceded to the United States their western lands, all eyes were turned to that region from which it was considered that many new states were ultimately to arise. The passage of the ordinance of July thirteen, seventeen hundred eighty-seven, by which slavery was excluded from the northwestern territory, and the right of the states to be formed out of it to admission into the union, secured on the happening of a certain contingency, settled these perplexing questions as to the *then territory of the United States*.

It was the adoption of the ordinance of seventeen hundred and eighty-seven that chiefly led to the compromise which gave a favorable result to the labors of the convention, and that ordinance may be considered as it were a part of the federal constitution itself. The provisions of this ordinance were well understood by the members of the convention, and in all cases where those distinguished individuals have been required to act upon questions involving the powers to be de-

rived from the articles of the compact, a construction has been given to those articles similar to that which is now claimed by Michigan. The facts stated are drawn from the history of the government.

A more distinct understanding of the subject may however be derived, by an examination of the proceedings of congress about the period to which our attention is directed.—The cession by Virginia was made in seventeen hundred and eighty-four, at which time congress had passed a resolution for the government of the territory ceded by the states to the United States. A leading provision of this resolution declared, 'that whenever any state shall have acquired twenty thousand free inhabitants, on giving proof thereof to congress, they shall receive from them *authority with appointment of time and place to call a convention of representatives, to form a permanent constitution for themselves.*'

Here it was expressly required, that an authority should be first obtained from congress to enable the state to form a permanent constitution. Virginia however having at the instance of the federal government, altered her cession in conformity with the fifth article of the ordinance of seventeen hundred and eighty-seven, so as to form in the territory ceded by her not less than three nor more than five distinct republican states, the provisions of the resolution of seventeen hundred and eighty-four ceased to have force in the north-western territory. The absorbing question of admission of new states occupying the attention of the federal government at the time of the repeal of the resolution of seventeen hundred and eighty-four, the conditions of their admission were changed, and by the fifth article of the ordinance it was expressly declared, 'that when any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates into the congress of the United States, on an equal footing with the original states, in all respects whatever; *and shall be at liberty to form a permanent constitution and state government.*'

This guarded provision was evidently introduced for the purpose of securing to the people of the northwest territory the privileges of self-government by a designated period, and beyond which time they were not to be subjected to the discretionary control of congress; the time designated was also to be ascertained on the *happening of a certain contingency*. The resolution of seventeen hundred and eighty-four required the previous authority of congress before any of the states were at liberty, 'to form a permanent constitution and state government.' It was seen by the framers of the ordinance that this unrestricted power in congress, would, in times of high party excitement or sectional jealousies, operate as a perpetual barrier to the admission of the new states, and it was for the purpose of remedying the dangerous evil, that the right of admission into the union and the liberty to form a permanent constitution and state government, were secured to the people of the northwest territory whenever any of the states possessed a population of sixty thousand free inhabitants. Authority was at the same time given to congress to admit these states at an earlier period, so far as might be consistent with the general interest of the confederacy. This power was transferred to the federal constitution; but in the event that congress should not deem it fit to exercise this right when asked at their hands by the states, it was ordained that the people of the states might of themselves assert the right of self government on the happening of the contingency provided in the ordinance.

If the principle is correct that the provision of the ordinance of seventeen hundred and eighty-seven are inoperative without the sanction of congress to form a permanent constitution and state government, then are the people of Michigan in substance, forever deprived of the right of self government, and left under the discretionary control of the sovereign will of congress. If with a population of one hundred and fifty thousand inhabitants, we are now to be denied the right of self government, we could have no right to expect it, even

though we might boast 'a million of freemen.' Such a construction given to the ordinance of seventeen hundred and eighty-seven, would have reduced the people of the northwest territory to the condition of vassals of the general government, and would have rendered the states to be formed therein, the mere dependencies of a federal head. It is an abuse of this power if conceded by us which should be feared, and we are not to yield it to congress because patriotic and virtuous men now direct the councils of the government. A vigilant regard for our rights should teach us, that power once surrendered is seldom if ever recovered, and that although exercised with forbearance at first, it may become ultimately oppressive. Instead of permitting the force of the state government to be lessened or injured, it is our duty as far as we can, to see them strengthened, for it is to their increase and strength, that the American Republic will owe its firmness and duration.

The act of congress of January 11th eighteen hundred and five erecting the territory of Michigan into a separate government, secured to the people of this state 'all the rights privileges, and immunities granted and secured to the people of the territory of the United States northwest of the river Ohio by the ordinance of seventeen hundred and eighty-seven.' Among the rights thus secured, is the sacred privilege of admission into the union as a state, and also the liberty to form a permanent constitution and state government, 'whenever our population should equal sixty thousand free inhabitants.' This contingency has occurred, and Michigan has performed the act which places her beyond the legitimate control of the general government, in relation to all the reserved rights of an American state. In doing this, she has followed a precedent established by a state in the union. In seventeen hundred and ninety-four, Tennessee, by virtue of the fifth article of the ordinance of seventeen hundred and eighty-seven, formed a permanent constitution and state government, without the previous authority of congress, and



was admitted into the union as an independent state. At that period, Virginia, North and South Carolina, states most interested as parties to the compact of seventeen hundred and eighty-seven, by their representatives in congress, contended that the proceedings of Tennessee were just and legitimate. The delegates from these states included, among their number, many of the most conspicuous members of the federal convention, and also of the congress of seventeen hundred and eighty-seven, which framed the ordinance; and their votes should be conclusive of the rights given to the new states by that instrument, as the intentions of congress at the time of its adoption must have been understood by them.

The precedent of Missouri is also one in some respects analogous to the present position of Michigan. It was then established as a fundamental principal of our government, that 'when a people are authorized to form a state and do so, the trammels of their territorial condition fall off, and they have performed the act which makes them sovereign and independent.' Missouri derived her authority from the ordinary act of congress, and although excluded from the union for more than one year, her territorial government ceased on the adoption of her constitution, and she became vested with all the rights of state sovereignty. The act of congress left no power in the general government to recall the authority delegated to the people of Missouri, or to remand them back to a territorial government. If the rights vested in the people of Missouri were deemed inviolable by congress, can it be supposed that those held by the people of Michigan under a solemn 'compact, declared to be unalterable except by common consent' will be considered less sacred.

The provision of the ordinance of seventeen hundred and eighty-seven under which the people of Michigan claim their right to form a state, admits of but one construction, and can convey but one meaning. Its language is plain: 'whenever any of the states shall have sixty thousand free inhabitants, such state SHALL be admitted into the union on an equal foot-

ing with the original states, and SHALL BE AT LIBERTY TO form a permanent constitution and state government.' The population of Michigan exceeding sixty thousand free inhabitants, she is authorized to form a state; the trammels of her territorial condition fall off; and she has performed the act which makes her sovereign and independent.

The essence of freedom is self-government. Of no rights should the people be so tenacious as those which are political. Under the constitution and laws of the land, we are secured in the exercise and enjoyment of our personal rights. The moment the national legislature vest in the citizen his land or other property, his possession becomes absolute and it is protected by the tribunals of the country. The rights and privileges of a petty corporation secured to them by law, are held sacred and inviolable. Are not the political rights of a community of freemen equally to be observed and protected? Are the privileges of self-government derived from nature and secured by compact now to be denied us? The faith of the nation is pledged for the observance of this compact.— That faith once violated amongst ourselves and it will be in vain to demand a respect and obedience to the laws. The confidence of the people is the greatest security by which the government can act. It rests for its support upon their affections, not their fears; its strength is moral, not physical. Let us then beseech the general government, with that patriotism and wisdom which now and has ever distinguished its councils, to weigh well the grave question before them. It involves considerations above the interests of a day.

The articles of the ordinance of July thirteenth, seventeen hundred and eighty-seven, are declared to be 'articles of compact between the original states, and the people and the states in the territory ceded by Virginia, and to be FOR EVER UNALTERABLE—except by common consent.' Michigan is one of the parties to this compact. The government of the United States is bound by the most solemn forms to fulfil the obligations of the compact; a compact which forms its pro-

visions, carries with it all the weight and binding force of a treaty. Treaties are held most holy and sacred among all nations, and that government is justly marked with infamy which violates its faith. The general government are now called upon to redeem their pledge. No just reason exists by which they can be released from its binding force. The language of the compact of seventeen hundred and eighty-seven is explicit ; but if tortured into doubt, the first principles of international law declare, 'that in all doubtful cases, treaties shall be construed in favor of those for whose benefit they were made.' The compact of seventeen hundred and eighty-seven was made for the government and benefit of the inhabitants of the territory of the United States northwest of the river Ohio, of whom the people of Michigan constitute a portion. The general government are then required to fulfil the pledge for the admission of Michigan as a state, and preserve from pollution our hitherto unsuspected and unstained government.

If there ever was a time when this nation ought to set an example of good faith it is now, when we are involved in an unsettled controversy with a foreign power. This controversy involves all the principles which are now called in question by the ordinance of seventeen hundred and eighty-seven. The eyes of the civilized world are upon us, and it is trusted and believed, that our government will not violate that law which they demand others to observe. The character of the proceedings of France has been pronounced by the indignant voice of the nation with an unanimity not to be mistaken, and seldom if ever equalled. Our national faith has never been suspected or violated, and we may hope that it is not to occur for the first time with our own citizens. On the contrary we may trust that the general government, by a fulfilment of its obligations with the people of Michigan, will give a pledge to the world, that the United States will as eagerly protect honor from the suspicion of violated faith, as from the insults and injuries of foreign aggressors. A manly

sense of national dignity has been inspired by our controversy with France, which if encouraged by every department of the federal government, cannot fail to become the sure foundation of national prosperity and glory.

The incidental question of boundary has been connected with our application for admission as a state, and seems to be attended with some difficulty of adjustment. It is alleged by the parties interested, that the boundaries of Michigan as designated in her state constitution, encroach upon those claimed by the states of Ohio and Indiana, and that Michigan should not be admitted until she yields all claim to the territory involved in dispute by this confliction of boundary. The objection is not tenable. The act of congress of January eleven, eighteen hundred and five, by which Michigan received her political existence, described our southern boundary in conformity with the ordinance of seventeen hundred and eighty-seven, and designated it, to be 'a line drawn east from the southerly bend or extreme of Lake Michigan until it shall intersect Lake Erie.' Our state constitution embraces this boundary. The state of Indiana claims and exercises jurisdiction north of this line under an act of congress: Ohio claims by her own will and power. In the case of Indiana it is contended, that her boundaries have become vested under the act of eighteen hundred and sixteen, authorizing her citizens to form a constitution and state government. If this argument is entitled to weight with congress, may it not be asked if the vested boundaries of the people of Michigan, under the act of eighteen hundred and five, are not entitled to equal consideration. By the ordinance of seventeen hundred and eighty-seven and the act of eighteen hundred and five, our boundaries are designated as claimed by us, and the right of admission as a state is expressly authorized and secured when our population shall equal sixty thousand free inhabitants. It was the people of that part of the territory of the United States lying north of the east and west line drawn through the southerly bend or extreme of Lake Michigan,

and none other, who were authorized on the happening of this contingency to form a permanent constitution and state government. The boundaries of the territory thus set apart, became absolute and fixed, and congress reserved no power to alter them.

In eighteen hundred and sixteen, when Michigan was unrepresented in congress, the then territory of Indiana procured the passage of a law encroaching upon and violating the boundaries of the territory of Michigan, as established by the compacts of seventeen hundred and eighty-seven and eighteen hundred and five. This legislation was inadvertent, on the part of congress, and was urged for the purpose of secretly securing to Indiana the mouth of the St. Joseph river, on Lake Michigan, the line designated in the law being supposed to include the mouth of that river. Had Michigan been represented in congress, or had the question been agitated, it is not to be believed that our boundaries as established by the act of eighteen hundred and five, would have been encroached upon or attempted to be altered.

If then the error first originated with congress, it may scarcely be deemed competent for that body to cancel an act of injustice, by a repetition of injury. The act of eighteen hundred and five was passed eleven years previous to that of eighteen hundred and sixteen, and if their provisions conflict with each other, it is not within the province of congress to determine upon the constitutionality of its own measures.— There is another tribunal of the country which holds the exclusive cognizance of such cases. Acts of congress can never quiet claims to vested rights. Additional legislation by congress on the subject of boundary, can never bar a right of appeal to the supreme court. The admission of Michigan as a state, will hasten this appeal in all cases where we may believe our rights have been violated, and instead of the angry and unhappy controversies attending upon our exclusion from the union, the questions at issue will be amicably adjusted in the peaceable mode pointed out by the constitution.

In reference to the claims of the state of Ohio, we have nothing to yield, but will endeavor to maintain our jurisdiction, awaiting patiently the decision of the constitutional tribunal. It may, however, be remarked, that the territory in dispute not having been confirmed to Ohio *previous* to the formation of the constitution of Michigan, it has become a legitimate part of the *state of Michigan*, and the question is taken from the hands of congress; it constitutes legally a part of the territory of the state in conformity with the act of eighteen hundred and five, and any attempted legislation of congress to bestow it upon Ohio, on bare questions of expediency would be unauthorized and unconstitutional. If the territory in contestation does not *legally* belong to Ohio, the time has passed when congress have a right to present it to her as a gift, on the exclusive ground of expediency. The rights of the people of Michigan are held by no such slender tenure.

The claim of Indiana, however, is of a different character, and merits graver consideration. She holds the territory under an act of congress, and has exercised jurisdiction over it since the time of her admission as a state. It has never been the intention of the people of Michigan, to attempt the extension of jurisdiction over this territory, unless sustained in the act by the previous decision of the supreme court of the United States. If they had the strength enabling them to effect it, they have seen the reprobation of the nation stamped too plainly upon a precedent before them, to justify on their part the premeditation of such a measure. As I have before stated, the supreme court alone can quiet our claim, and the people of Indiana hazard nothing by awaiting that decision, provided Michigan pledges herself not to attempt, in the mean time, the interruption of their possession. If the decision of the court should be against Indiana, that patriotic state will yield to the constitutional decrees of the country; if in her favor, she loses nothing by our admission as a state.

It is then in a spirit of forbearance, and with an anxious soli-

citude for the tranquility and happiness of the country, that I wish to call your attention to this subject, I am not aware that the ordinance attached to our state constitution, gives to our representatives elected to congress, any authority to consent to a change of our boundaries. A strict construction of the provisions of this ordinance, would seem to forbid such a delegation of power. It is competent, however, for the legislature to pass a declaratory act, pledging the faith of the state, in as binding a form as their powers will admit, that no law shall be passed by Michigan intended to interrupt the possession of Indiana, until authorized by the decision of the supreme court, or by a compromise between the parties interested. Legislation of this character is not without a precedent, and if adopted should certainly remove the objections entertained by any portion of congress, so far as the interests of Indiana may be involved in the question of our admission as a state.

When Missouri formed her state government in eighteen hundred and twenty, one of the fundamental articles of her constitution vested in the legislatures, power to pass laws preventing the emigration of the free blacks into the state. This provision of her constitution was objected to by congress and her admission into the union delayed on that ground. On the twenty-second of March eighteen hundred and twenty-one, a joint resolution passed both houses of congress, and was approved by the president, providing for the conditional admission of Missouri. The resolution provided, that Missouri should be admitted into the union on an equal footing with the original states, upon the fundamental condition, that the objectionable clause of the constitution 'submitted to congress on the part of said state, should never be construed to authorize the passage of any law, and that no law should be passed in conformity thereto : ' 'Provided the legislature of the said state, by a solemn public act, shall declare the assent of the said state to the fundamental condition' as stated.— This resolution was submitted to the legislature of Missouri

in the month of June, of the same year, and the proposition from congress therein contained, was accepted and made known by a public legislative act. The act of Missouri having been received by the president, he issued his proclamation in pursuance of the resolution of congress, declaring the admission of the state into the union to be complete. The objectionable feature in the constitution of Missouri remains to this day an article in that instrument of government, and no legislation has ever been adopted in conformity with the power there conferred.

I have thus fellow citizens submitted to you the views which have occurred to me, relating to the important interests of your session. That we cannot again be subject to a territorial condition is my firm and deliberate conviction.— In the expression of that conviction, I believe I am sustained by a majority of my fellow citizens. It is however by the constitution wisely submitted to the legislature to determine whether the organization of our state government shall be completed at this time, or shall wait the further action of congress on the subject of our admission. In either event it is my duty to make known to you fully, the sentiments of the executive on such subjects as may be brought before you in the progress of your future deliberations. Should you adjourn to another day, awaiting the decision of congress, it will give time for reflection, and afford you an opportunity to consult the wishes of your constituents on the different subjects, which may be embraced within the recommendations of the executive. It is with such views, that in obedience to the constitutional injunction, I proceed to recommend for your consideration, such measures as are important to the immediate interests of the state.

Among the first subjects which will naturally occupy your attention as the representatives of a new state, will be that of internal improvements. The natural advantages of Michigan for the purposes of commerce and agriculture are not exceeded by any state in the union, and to much of your atten-



tion cannot be bestowed in maturing a prudent and judicious system of legislation for the development of those resources of wealth. The constitution enjoins upon the legislature the encouragement of this branch of our state policy; and [it is made their duty, "as soon as may be to make provisions by law for ascertaining the proper objects of improvement, in relation to roads, canals, and navigable waters." The spirit and enterprise, which has arisen among our citizens, if fostered and encouraged by the state, cannot fail to lead to lasting prosperity. Your liberal legislation should embrace within its range, every section of the state. No local prejudices or attachments should misdirect the equal liberality with which you should guard the interests of your constituents. The wealth of the state must be composed of the individual wealth of its citizens, and in this respect no portion of them are independent of the other.

In obedience to the constitutional provision, which requires you to provide for an equal, systematic and economical application of the funds that may be appropriated to objects of internal improvement I would suggest for your consideration the propriety of the appointment of a competent engineer commissioner, or board of commissioners, as may be most conducive to the end contemplated, whose duties shall be regulated by law, and who shall be required at each session of the legislature, to report the result of such investigation as may have been previously directed. The appointment of the first named officer would probably meet the object in view, and would certainly prove most economical, as his duties might be diversified as the interests of the state should require. Through this medium the most desirable and practicable works of internal improvement will be brought before the legislature, matured for their action, preventing the hasty undertaking of useless, if not impracticable projects, and directing the energies and resources of the state in such channels, as will be productive of the greatest good to the greatest number of our fellow citizens.

The fourth section of the ordinance attached to the state constitution, embraces a proposition to congress for a donation of lands for purposes of internal improvement, the proceeds of the sale of which it is declared, 'shall be appropriated to aid in constructing one or more rail roads or canals across the peninsula from Lake Erie or Detroit river to Lake Michigan, and also to aid in the construction of such other roads and canals, and in the improvement of such rivers as the legislature may direct.' This donation when obtained as it certainly must be, if urged upon the liberality of congress, will afford a fund ample to give effect to our plans of internal improvement; and so important is it to the interest of the state, that I would suggest the propriety of calling the immediate attention of congress to the subject. The government have heretofore extended a liberal and fostering hand to all the new states admitted into the Union. Large donations of lands have at different periods been made to them, for the purpose of effecting their systems of education and internal improvements. No just reason can be urged why the same liberality should be withheld from Michigan. The United States have drawn from us a large amount of revenue by the sale of public lands. These lands are daily decreasing, and with the rapid immigration to the state, and the extensive purchases of speculators, Michigan must soon be deprived of her just heritage, unless she is admitted as a state during the present sitting of congress, or donations otherwise secured to her. It is but a short period when all the valuable lands in the peninsula of Michigan, will be placed beyond the reach of congress. I deem it therefore highly important that you should present the subject fully to congress at their present session. and ask that the portion of lands due Michigan should be secured to her without further delay.

Our citizens have already designated, and through their individual enterprise with a zeal highly commendable, have undertaken the construction of several important rail roads. While it is the duty of the legislature, to afford every aid

their power to facilitate the construction of these important works it is also desirable, that they should never be beyond at least, the partial control of the state. So important is their construction to the permanent interest and prosperity of the state, that I would recommend the passage of a law, authorizing a subscription in behalf of the state, to a large amount of the capital stock vested in the companies which have these roads in the progress of completion. I am satisfied that a sufficient loan for this purpose may be effected on the faith of the state, by offering a comparatively trifling commission to the banking houses of the eastern cities for its negotiation. At least, the importance of the measure will justify the effort. The lands which must be obtained by Michigan from congress, for purposes of internal improvement, if guarded with a prudent husbandry, would enable us to extinguish the debt contracted, and ultimately become a source of additional revenue to the state.

So manifestly important is the subject of internal improvements, that I feel it unnecessary to urge it more fully upon your consideration. Our sister states are alive to this branch of their domestic policy and an enlarged spirit of enterprise has recently arisen, which justifies the belief, that a union and connection will soon be effected, among all the great internal improvements of the country. It is to be hoped that the day is not far distant when Michigan will be permitted to participate in this grand undertaking. An undertaking which will unite our interests, and annihilate the space which has created and kept alive local prejudices and feelings among the different sections of the Union ; and which by extending the veins of internal improvement throughout the body of the confederacy, will concentrate our affections in the great heart of the republic.

The receipts of the treasury during the year eighteen hundred and thirty-five, amounted to ten thousand five hundred and ten dollars. The current and ordinary expenses during the same period, were eleven thousand and eighteen dollars.

exhibiting a balance, together with local loans against the treasury, of nineteen thousand four hundred and ninety-five dollars. Under the law of November last, authorizing a permanent loan of one hundred thousand dollars to meet this debt, and for other purposes, a negotiation has been entered into, the result of which will be communicated to you by a special message. All the ordinary expenses of the state government must now be met by taxation upon our fellow citizens, and it will readily occur to you, that a wise system of legislation will abstain from placing this burden upon the people beyond the absolute wants of the government. It will be your duty to substitute a rigid economy in the place of taxation, and to refrain from all expenditures which are not necessarily demanded by the interests of the public. For many years the heavy expenses of the state, in the completion of important and essential state improvements, must be sustained and accomplished by loans on the credit of the state.— This is preferable to immediate taxation, for as our population and wealth increases, the burden of taxes will be more distributed, our means greater, and will be less felt by the people. Loans must, for the present, be resorted to necessarily, and you will find our credit only to be maintained by method in conducting our financial concerns, economy in our expenditures, and punctuality in our contracts. These are subjects which should claim your rigid scrutiny and attention. No loan should ever be negotiated without a provision being first made for a ready and certain payment of the interest on the debt contracted, and for the redemption of the principal, by a separate and distinct fund created for that purpose. Without punctuality in the fulfilment of our obligations, the credit of the state would soon be prostrated; with it, it is easily sustained.

Ours is said to be a government founded on intelligence and morality, and no political axiom can be more beautifully true. Here the rights of all are equal, and the people themselves are the primary source of all power. Our institutions have level-

led the artificial distinctions existing in the societies of other countries, and have left open to every one the avenues to distinction and honor. Public opinion directs the course which our government pursues ; and so long as the people are enlightened, that direction will never be mistaken. It becomes then your imperious duty, to secure to the state, a general diffusion of knowledge. This can in no wise be so certainly effected, as by the perfect organization of a uniform and liberal system of common schools. Your attention is therefore called to the effectuation of a perfect school system, open to all classes, as the surest basis of public happiness and prosperity.

The constitution declares, that the legislature shall provide a system of common schools, by which a school shall be kept up and supported in each school district at least three months in every year; and it also provides for the appointment of a superintendent of public instruction, whose duty it shall be to direct and superintend said schools. Our school fund will be ample for all our purposes, if the lands are properly managed, and I would direct your immediate attention to that branch of the subject. Under the direction of the government, section sixteen in each township is reserved for schools, and under the act of congress of January twenty. eighteen hundred and twenty-six, seventy-two sections of land are reserved for the use and support of the University of Michigan. Forty-nine sections of the university lands have been located, and consist of some of the most valuable tracts on the peninsula of Michigan. I would suggest that the proper authority be requested to make the remaining locations. Those locations, if judiciously made, will, when brought under the control of the state, place the university of Michigan among the wealthiest institutions of the country; and under a proper direction render it an ornament and honor to the west.

The organization of the judiciary department of the government, and the revision of the laws will doubtless occupy much of your time and attention. A supreme court is estab-

lished by the constitution leaving to the wisdom of the legislature, the organization from time to time of such inferior courts as the public interests and convenience may demand. You have before you, fellow citizens, the judicial systems of the different states which have been tested by experience, and it would be unnecessary, if not supererogatory in me to recommend for your adoption, any specific system. I may, however, be permitted to suggest, that our jurisprudence might be simplified without detriment to the public.

It may justly be a matter of curious speculation, that in a government like ours, known to be admired for the simplicity of its institutions, we are yet surrounded by the dark and hidden mysteries of the law. In the science of government and in all the arts, improvements have been made, while in the science of law, we remain stationary, and are compelled to refer to the remotest antiquity of England, for rules, by which to decide the simplest questions of right and wrong between citizen and citizen. I am aware that the learned profession, generally object to any inference with this long established usage, urging, that if it possesses evils, they are evils incident to all the works of man; and that any attempt to remove its useless branches would be attended with danger to the whole system. I would not have the remedy the work of a day. The time must perfect it; and if the evils cannot be entirely removed, they may at least be partially remedied.

I would begin by degrees to lop off useless branches and with periodical revisions, our laws may at least be understood by others than those, who have made their interpretation a profession. The remark applies to all classes of society, for no man however elevated his position, without the labor of years, can understand the common and statute law of the country. Like the ancient tyrant, we place our tables beyond the reach of the people, and although unable to inspect them, they are subjected to their penalties. Few men can now determine by what mysterious rules, his rights are adjusted. The purity of the bench and long established custom,

command his respect and submission to the decrees of the court, yet the citizen stands a silent, obedient, but ignorant and wondering spectator of its proceedings. I have made these suggestions, that your attention might be called to the subject; I leave it fully satisfied, that in the legislation you may adopt, you will be guided by the best interests of your constituents.

One of the greatest evils under which the public are now suffering, is the want of an improved and regular penitentiary system. To such an extent has this evil grown, that the ends of justice are entirely defeated, by the want of the necessary and proper buildings for the confinement of criminals. The great object of the law in inflicting a penalty for the commission of crime, is the reformation of the offender. At present however, this end is worse than defeated. Crowds of criminals collected within the narrow precincts of your jails, in constant communication and association with one-another, become deeper and deeper steeped in corruption. The place of reformation is made the school of vice; and the minor offender becomes the ready pupil of the hardened villain.

Man is a social being, and the society of his fellow man is essential to his happiness. Until deprived of this source of pleasure, the condemned criminal will never realize the degradation to which he has fallen. Solitary confinement can alone awaken the expiring spark of morality and virtue; and the meditations of solitude communing with a guilty and upbraiding conscience, may ultimately overcome the dominion of vice.

Our contiguity to the province of Upper Canada, will always subject us to the depredations of fugitives from other states. The evil is constantly increasing, and strengthens the demand for reformation in our penitentiary system. The general government are equally with us interested in this subject, as the numerous violations of the laws of the United States, constitute one half the criminal prosecutions of our courts. In all such cases the United States are a party, and

it is with a view that they should bear a portion of the burden, I would recommend, that application be made to congress for a donation of lands to aid in the erection of a penitentiary, competent to meet the requisitions of society. I cannot believe that congress would refuse, if made, a petition so reasonable and just.

The recurrence of the election of president and vice president of the United States, during the present year, will suggest to you the passage of a law for the choice of electors to represent the sentiments of the state, in the event that we are permitted to participate in the election of those high and important officers. The mode adopted by the states for the choice of electors, is either a vote by the people by districts, a vote by general ticket, or by the legislature. The general ticket system is the one most usually adopted, is the safest, and most in conformity with the spirit of our institutions. Power can be nowhere trusted with so much safety, as with the people themselves. The substitution of intermediate bodies in the expression of their will, is, to say the least, unnecessary, and should therefore be brought as near home to them, as circumstances will permit. Those representing the people are sometimes liable to the influence of intrigue and corruption; but the great body of the people never are, and will best represent their own will.

Among the numerous acts of legislation which you will be called upon to consider, none will require greater deliberation than those of incorporations. The constitution has wisely ordained, that the legislature shall pass no act of incorporation unless with the assent of at least two thirds of each house. This guard in the constitution is of itself evidence of the care and caution, with which the power conferred should be exercised. It is a question in my mind, whether corporate powers should ever be extended to associations in ordinary trade. That branch of industry may be considered most thriving, when left free to individual enterprise.

In all cases of applications for charters for banking purpo-



ses, the most prudent care should be exhibited by the legislature. It is a difficult point to arrive at in legislation on this subject, where the issue of paper as a circulating medium, will answer the convenience and demands of the public, without deranging the currency, and endangering the prosperity of the community for whose benefit it is intended. Gold and silver have by common consent been made the representatives of every species of property. Bank notes are but the representatives of gold and silver and derive their value from this basis. Excessive issues of notes are calculated to endanger our trading in the community, drive the metallic basis from our country, and are apt in case of sudden emergencies in the money market, to be attended with consequences disastrous to the public. In arriving at just conclusions on this subject, we need not consult the theories of political economists, but refer to the practical history of the country as it is presented before us.

The importance of an immediate extinguishment of the remaining Indian title within the peninsula of Michigan, will readily occur to you. The history of this unfortunate race should excite our sympathies, and it is but justice to them, that they should be removed to a quarter where secure from the encroachments of the whites, they may be left free, to follow their own pursuits of happiness. The tide of immigration which is now setting in towards Michigan, must overflow those tribes within our borders; and the history of the southern states should warn us against the occurrence of similar events in our own. This can only be prevented by the removal of the source from which the evil must certainly flow. I would therefore suggest that an application be made by the legislature to the general government, requesting an appropriation for the purpose, and the appointment of commissioners to negotiate with the Indian tribes, for all their remaining lands within the peninsula. The Indians themselves are now prepared for this measure, and the opportunity presented should not be lost.

I have received from several of the southern states, proceedings of their citizens and legislatures, calling the attention of the other states, to the exciting question of the abolition of slavery. With the abstract merits of slavery you have nothing to do in your legislative capacity. Let it be for good or for evil, the south is not to be made responsible for its existence; it is a stream which emanated from the fountain of Kingly power while under the mother country, and has now become united with our political system. The federal constitution has left its regulation among the reserved rights of the states, and it cannot by any implication of power be delegated to the general government. If slavery be a curse to the states in which it exists, time and their own experience will correct it; if a blessing, it is their right, and cannot be taken from them. But in a government like ours, where public sentiment directs its course, it becomes the duty of the people through their representatives, to manifest their sentiments upon all questions of public interest, and more especially upon those which agitate and interrupt the tranquility of the country. It is with this view fellow citizens that I call your attention to this alarming subject; a subject perhaps involving our permanent existence as a united nation, and I trust you will meet it impressed with the sensibility, 'that a government held together by the bands of reason alone requires much compromise of opinion.'

In conclusion, fellow citizens, permit me to hope, that unity of action and harmony of feeling will characterize your deliberations. The position in which we are placed towards the general government, is deeply to be regretted. But it is one of necessity, not of choice. We are not engaged in encroachments upon the rights of others, but in maintenance of our own. The right of self-government is derived from nature, and we have only claimed it after the most patient forbearance, when every other hope had been extinguished.—The people of Michigan have asserted the right, and it is not to be believed they will shrink from the measures they have

adopted. They commit their cause to the even handed justice of that Being who doth no wrong, earnestly beseeching Him to prosper the labors of those to whom they have confided their hopes and interests, and to awaken the minds of those who direct the councils of the nation, to that sense of justice which will open to our infant state the temple of the republic.

STEVENS T. MASON.

February 1, 1836.

On motion of Mr. Barry,

The joint committee then adjourned.

IN SENATE.

The senate having returned to their chambet, the president announced that both houses of the legislature in joint meeting had received the message of the executive.

On motion of Mr. Barry,

*Ordered*, That one thousand copies of the governor's message be printed for the use of the senate.

The senate, on motion of Mr. Hascall, then adjourned till 10 o'clock A. M. to-morrow.

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TUESDAY, February 2, 1836.

The senate met pursuant to adjournment.

The president announced the following standing committees, in pursuance of the rules of the senate.

Standing Committees in the Senate.

*On the Judiciary*:—Messrs. Barry, Moody, McDonell.

*On Finance*:—Messrs. McDonell, Britain, Hough.

*On Claims*:—Messrs. Hascall, Clark, Ten Eyck.

*On Militia*: Messrs. Stockton, Davis, Hascall.

*On Internal Improvements*:—Messrs. Rumsey, Hough, Raynale.

*On Literature*:—Messrs. Comstock, Rumsey, McDonell.

*On Incorporations*:—Messrs. Hough, Britain, Ellis.

*On Expenditures*:—Messrs. Durocher, Clark, Finch.

*On Enrolled Bills*:—Messrs. Ellis, Moody, Barry.

*On Roads and Bridges:*—Messrs. Davis, Hough, Stockton.

*State Prisons:*—Messrs. Clark, Barry, Hough.

*On Towns and Counties:*—Messrs. Finch, Hascall, Britain.

*On Indian Affairs:*—Messrs. Ten Eyck, Finch, Comstock.

*On Agriculture:*—Messrs. Britain, Rumsey, Hough.

*On Expiring Laws, &c.:*—Messrs. Moody, Barry, Comstock.

*On Manufactures:*—Messrs. Raynale, Ten Eyck, Clark.

*On Elections:*—Messrs. Hascall, Ellis, Comstock.

Mr. McDonell laid the following resolution on the table:

*Resolved*, That so much of the governor's message as refers to the judiciary, be referred to the committee on the judiciary;

That so much of the message as refers to the finances of the state, be referred to the committee on finance.

That so much of the message as refers to internal improvements be referred to the committee on internal improvements.

That so much of the message as refers to the school and seminary lands, be referred to to the committee on literature.

That so much of said message as refers to Indian affairs be referred to the committee on Indian affairs.

That so much of the message as refers to a penitentiary, be referred to the committee on state prisons.

That so much of the message as refers to incorporations, be referred to the committee on incorporations.

Mr. Hough offered the following resolution, viz:

*Resolved*, That the secretary of the senate be and he is hereby directed to furnish at the expense of the state, the president and each member of the senate such newspapers as they may respectively direct, not exceeding in price two daily papers.

Mr. Stockton moved that the resolution be laid on the table, which motion was lost, and the resolution was thereupon adopted.

*Resolved*, That L. Le Grand Morse and John S. Bagg be, and they are hereby appointed printers to the senate, until otherwise ordered.

On motion of Mr. Comstock, the following resolution was adopted by the senate, and sent to the house of representatives for their concurrence:

*Resolved by the senate and house of representatives of the state of Michigan*, That that part of the governor's message which relates to the admission of Michigan into the union, and the formation of a state government. be referred to a joint committee of seven, to consist of three from the senate and four from the house of representatives, who are hereby instructed to report what measures shall be adopted by the legislature of Michigan, now convened, in relation to the organization of the state government, and what extent of legislation is required and necessary to secure the due administration of justice, and to protect the rights of the citizens of Michigan guaranteed by their constitution.

Messrs. Comstock, McDonell and Hascall were appointed the members of said committee, on the part of the senate.

On motion of Mr. Hascall,

*Resolved*, That a committee on state affairs be added to the standing committees of the senate.

Messrs. Hascall, Moody and Davis were appointed said committee.

Mr. McDonell offered the following resolution:

*Resolved*, That copies of the rules of the senate and house of representatives, and the joint rules of the two houses, with an index in the margin, be printed in pamphlet form, for the use of both branches of the legislature, (the house of representatives concurring in this resolution.)

On motion of Mr. Hascall,

The blank was filled with two hundred.

Mr. Hough moved to amend by adding,

'A map of the state of Michigan, the standing committees

of the senate and house of representatives, the joint committees of both houses, calendar for 1836.'

On motion of Mr. Barry,

The resolution and amendment were referred to a select committee of three members, and Messrs. Barry, Hough, and McDonell were appointed said committee.

Mr. McDonell submitted the following resolution, which was adopted.

*Resolved*, That the following shall be the daily order of business in the senate:

1. Presentations of petitions.
2. Reports of standing committees. Do. select committees.
3. Messages from the governor, communications from state officers, messages from either house.
4. Motions, resolutions and notices.
5. Third reading bills and resolutions.
6. Unfinished business of the preceding day.
7. Special orders of the day.
8. General orders of the day.

A message from the house of representatives was received, announcing their concurrence in the resolution for the appointment of a joint committee on certain parts of the governor's message, and informing the senate of the appointment of Messrs. Whipple, Richardson, Jackson and Hutchins on said committee on the part of the house.

Mr. Hascall submitted the following resolution:

*Resolved*, That the committee on the militia be instructed to ascertain the amount due the militia for their services in supporting the supremacy of the laws of Michigan at Toledo, and what laws (if any) are necessary to secure to them pay for their services.

Mr. Comstock moved that the resolution be laid on the table, which was lost; and the question on its adoption was decided in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barry, Davis, Hascall, Hough, McDonell, Moody, Raynale, Rumsey, Ten Eyck—9.

**Nays—Messrs. Clark, Comstock, Stockton—3.**

The president announced the receipt of a communication from the governor, enclosing a letter from our senators and representative elected to congress; which being read, were, on motion of Mr. Comstock, referred to the same joint committee, to whom was referred that part of the governor's message which relates to the admission of Michigan into the Union, and the formation of a state government.

Mr. Davis gave notice that on to-morrow he would ask leave to introduce a bill defining the duties of state treasurer.

On motion of Mr. Moody,

The senate then adjourned to 10 o'clock A.M. to-morrow.

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WEDNESDAY, Feb. 3, 1835.

The senate met, pursuant to adjournment.

Mr. McDonell called up his resolution offered yesterday, in relation to the reference of certain parts of the governor's message; and, on motion of Mr. McDonell, said resolution, together with the governor's message, was committed to committee of the whole.

The senate then went into committee of the whole, Mr. McDonell in the chair, on said resolution and message, and after some time spent thereon, the committee rose and reported the same back to the senate with an amendment.

On motion of Mr. Hascall,

The senate concurred in the amendment made in committee of the whole, viz: to insert after the word 'judiciary' where it first occurs in said resolution, as follows: 'and also that part of the governor's message which relates to the claim of Indiana.'

On motion of Mr. Hough,

The resolution was further amended, by adding—'that so much of the message as relates to the abolition of slavery be referred to a select committee of three.'

Messrs. Hough, Comstock and Stockton were appointed that committee.

On motion of Mr. McDonell,

The resolution, as amended, was then adopted.

Mr. Davis, in pursuance of previous notice, asked and obtained leave to bring in a bill defining the duties of state treasurer.

Messrs. Davis, Stockton and Barry were appointed a committee to bring in said bill.

Mr. Barry, from the select committee on printing certain documents for the use of the senate, reported the following resolution:

*Resolved*, That the secretary of the senate be, and he is hereby directed, to cause to be printed, in convenient form for the use of the senate,                      copies of a pamphlet to contain the,

1. Daily order of business of the senate,
2. Daily order of business of the house of representatives,
3. Rules of the senate, with marginal index,
4. Rules of the house of representatives, with marginal index,
5. Joint rules of the senate and house of representatives, with marginal index,
6. Members of the senate, (classified,)
7. Alphabetical list of members of the senate,
8. Alphabetical list of members of the house of representatives,
9. Standing committees of the senate,
10. Select committees of the senate on the governor's message,
11. Standing committees of the house of representatives,
12. Select committees of the house of representatives on governor's message,
13. List of salary officers,
14. List of all corporations, including banks and insurance companies with their location and capital,
15. Calendar for 1836,



16. List of the officers of the senate and house of representatives.

On motion of Mr. Barry,

The blank in the resolution was filled with 'fifty;' and the resolution was then adopted.

Mr. Davis, from the select committee appointed for that purpose, brought in a bill, entitled 'A bill defining the duties of state treasurer;' which being read a first, and, by unanimous consent, a second time, was, on motion of Mr. Davis, referred to the committee on finance.

Mr. Moody gave notice that on some future day he would ask leave to bring in a bill to authorize the appointment of commissioners to loan a certain sum of money for building a court house and goal in the county of Jackson.

Mr. Rumsey called for the second reading of the bill of the last session, entitled 'A bill to establish county seats;' which being read a second time, was, on motion of Mr. Moody, committed to committee of the whole.

On motion of Mr. McDonell,

*Resolved*, That the following rules be adopted as two additional rules for the government of the senate, and be incorporated in the printed pamphlet containing the rules of the senate and house of representatives :

It shall be competent for one fifth of the members present when a question is taken, to call for the yeas and nays, which shall be recorded by the secretary.

Every resolution read (by the secretary) by direction of a member, shall be considered as being before the senate; and the question to adopt or reject, may immediately be put on such resolution, unless upon request of a member, that the same may be laid on the table.

Mr. Hascall gave notice that on some future day he would ask leave to bring in a bill to organize the county of Genesee.

Mr. Stockton gave notice that on a future day he would

ask leave to bring in a bill to incorporate the Mount Clemens steam mill company.

Mr. Moody gave notice that on some future day he would ask leave to bring in a bill for the subdivision of that part of Jackson county lying east of the meridian line, into townships.

The senate, on motion of Mr. Comstock, adjourned to ten o'clock A. M. to-morrow.

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THURSDAY, Feb. 4, 1836.

The senate met pursuant to adjournment.

Mr. Ellis, from the second district, appeared and took his seat.

On motion of Mr. McDonell,

An additional standing committee was appointed, to be entitled the 'committee on printing;' and Messrs. McDonell, Ellis and Moody were appointed said committee.

On motion of Mr. Raynale,

*Resolved*, That so much of the governor's message as relates to the election of electors of president and vice-president, be referred to a select committee of three.

Messrs. Raynale, Hough and Stockton, were appointed the committee.

Mr. Stockton, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Mount Clemens steam-mill company.

Messrs. Stockton, Comstock and Ten Eyck were appointed a committee to bring in said bill.

Mr. Comstock presented a petition of certain inhabitants of Allegan, 'to have a state road laid out from the Pawpaw mills on the Pawpaw river, in the county of Van Buren, leading to the falls of the Grand river in the county of Kent, by the Grand rapids of the Kalamazoo river in Allegan county;' and moved that the same be referred to the committee on roads and bridges, without being read; and the petition was so referred.

The general orders of the day, being 'a bill to establish county seats,' having been taken up, Mr. McDonell moved that the bill be printed and made the special order of the day for to-morrow; which motion did not prevail.

Mr. Moody then moved that the senate now resolve itself into a committee of the whole on said bill.

Mr. McDonell moved that the bill be laid on the table, which was lost; and the question being then put on the senate resolving itself into committee of the whole on said bill was carried.

The senate thereupon resolved itself into committee of the whole, Mr. Barry in the chair, and after some time spent in the consideration of said bill, the committee rose and reported progress, and asked leave to sit again, which was granted.

On motion of Mr. McDonell,

*Ordered*, That fifty copies of said bill be printed for the use of the senate.

A message from the house of representatives was received informing the senate of the passage in that body of the following resolution:

*Resolved*, That the house appoint a committee of three members to act jointly with such committee as may be appointed by the senate, upon that part of the governor's message which relates to the passage of a declaratory act in regard to the southern boundary of the state.

The senate, on motion of Mr. McDonell, concurred in said resolution.

And Messrs. McDonell, Clark and Barry, were appointed the committee on the part of the senate.

On motion of Mr. Barry,

*Resolved*, That, until otherwise ordered, the daily session of the senate shall commence at 10 o'clock A.M.

The senate, on motion of Mr. Hough, then adjourned.

FRIDAY, February 5th, 1836.

The senate met pursuant to adjournment.

Mr. Britain, from the 3d district, appeared and took his seat.

On motion of Mr. Hascall,

*Resolved*, That the secretary shall cause all bills after the first reading, unless otherwise directed, to be laid upon the tables of the senate and house of representatives.

On motion of Mr. Raynale,

*Resolved*, That there be a committee of three appointed to inquire into the expediency or in expediency of abolishing capital punishment, and to report by bill or otherwise.

Messrs. Raynale, Hascall and Britain were appointed the committee for that purpose.

Mr. Moody gave notice that hereafter he would ask leave to bring in a bill for laying out a state road from Jacksonburgh, the county seat of Jackson county, to the seat of justice of Livingston county.

Mr. Moody laid the following resolution on the table :

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of abolishing imprisonment for debt, and punishing fraudulent debtors.

Mr. Britain gave notice that on a future day he would ask leave to bring in a bill to organize the township of New Buffalo, in Berrien county.

The general order of the day, being 'A bill to establish seats of justice,' being taken up, on motion of Mr. Rumsey, said bill was laid on the table and made the special order of the day for Tuesday next.

Mr. Hough moved that the senate do now adjourn, which motion did not prevail.

Mr. Raynale gave notice that on a future day he would ask leave to introduce a bill to make it the duty of the sheriff, in all cases, to foreclose mortgages on real estate, and allow him a stated fee for the same.

The senate, on motion of Mr. Barry, then adjourned.

SATURDAY, Feb. 6, 1835.

The senate met pursuant to adjournment.

Mr. Comstock, on behalf of the joint committee to whom had been referred that part of the Governor's message relating to the admission of Michigan, having explained that that committee, if allowed to continue in session one hour longer, would be enabled to report,—moved that the senate take a recess for one hour, which was agreed to.

The senate having convened, on motion of Mr. McDonell, adjourned to 3 o'clock, P.M.

## AFTERNOON SESSION.

Three o'clock, P. M.

A message from the Executive was announced, accompanied with certain papers relative to the arrest of the Collector of the township of Whiteford, Monroe county, by the authorities of Ohio; which being read, were, on motion of Mr. McDonell, laid on the table and ordered to be printed.

(See Senate document No. 5.)

Mr. Comstock, from the joint committee on so much of the Governor's message as relates to the admission of Michigan into the Union, and the formation of a state government, made a report accompanied with sundry resolutions, which report and resolutions being read, were ordered to be printed.

(See Senate document No. 6.)

Mr. McDonell, from the joint committee on a declaratory act in relation to the southern boundary of the state, reported a bill entitled 'A bill providing for the adjudication of boundary between Michigan and Indiana;' which was read a first time and laid on the table.

A message from the house of representatives was received, informing the senate of the passage in that body, of the two following resolutions, viz:

*Resolved, by the senate and house of representatives, That the joint committee on the library be directed to purchase seventy-five copies of Farmer's New Map of Michigan, to be*

deposited in the library for the use of the members of the legislature.

*Resolved*, That a committee of three be appointed by this house, which in connection with such committee as the senate may appoint, shall draft a memorial to Congress asking a donation in public lands to this state, accruing from the sales thereof; to be expended in the construction of such works of internal improvement as the legislature may direct.

On motion of Mr. Ellis,

The first of said resolutions was amended by striking out 'seventy-five' and inserting 'ten;' and the resolution as amended was then adopted.

The other resolution, on motion of Mr. Hascall, was laid on the table.

Mr. Hascall laid the following resolution on the table:

*Resolved*, (with the concurrence of the house of representatives) That a joint committee, to consist of three members from each branch of the legislature, be appointed, with instructions to draft a memorial to the Congress of the United States, asking a donation of a sufficient quantity of public lands to defray the expense of removing the obstructions from the navigable waters of the Maple, Looking Glass, Shiawassee, Flint and Cass rivers, and to connect the Maple and Shiawassee waters by railroad or canal.

Mr. Moody submitted the following resolution, and moved that it be laid on the table for one day, which was agreed to:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of authorizing Daniel Coleman, George B. Cooper and others, to construct a mill dam across Grand river, on section two in town one north, and of range three west; and report by bill or otherwise.

Mr. Moody called up his resolution yesterday laid on the table, and offered the following substitute, which was laid on the table:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law abolishing impi-

sonment for debt and punishing fraudulent debtors, and to report by bill or otherwise.

Mr. Britain called up the bill of last session, entitled 'a bill to organize the township of New Buffalo;' which bill was read the second time.

The bill, on motion of Mr. Britain, was then amended by inserting 'twenty and' before 'twenty-one' in the first section; and also further amended by the addition of sections 3 and 4, for the organization of the township of Bertrand; and the words 'the house of' in section 2d, were stricken out, and the words 'Goodrich's tavern' inserted.

On motion of Mr. Hascall,

An additional section, providing for the organization of the township of Shiawassee, was added to said bill.

Whereupon, on motion of Mr. Britain,

*Ordered*, That the said bill be engrossed and read a third time on Monday next.

Mr. McDonell, from the committee on finance, to whom had been referred a bill, entitled 'A bill defining the duties of state treasurer,' reported as a substitute for said bill, a bill entitled 'A bill relative to the duties of auditor general and treasurer, and for other purposes;' which substitute was ordered to be printed.

On motion of Mr. Hough,

The senate then adjourned.

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MONDAY, Feb. 8, 1836.

The senate met pursuant to adjournment.

Mr. Finch, from the 4th district, appeared and took his seat.

Mr. Moody presented the petition of Daniel Coleman and others, relative to building a dam across Grand river; which, on motion of Mr. Moody, was referred to the committee on the judiciary.

Mr. Britain presented a petition from certain inhabitants of

Niles, asking permission to build a bridge over the St. Joseph river, at Niles ; and moved that it be referred to the committee on incorporations without being read; and the petition was so referred.

The bill entitled 'A bill providing for the adjudication and final decision of the question of boundary between this state and the state of Indiana,' was taken up and read a second time, and, on motion of Mr. Comstock, laid on the table for one day.

Mr. McDonell then moved that the senate concur in the amendment to the bill relative to the duties of state treasurer, reported by the committee on finance on Saturday ; which was agreed to, and,

On motion of Mr. McDonell,

Said amendment, being a bill, entitled 'A bill relative to the duties of auditor general and treasurer of the state, and for other purposes,' was re-committed to the committee on Finance.

The bill entitled 'A bill to organize the township of New Buffalo,' being read a third time, and the blank in the fifth section, on motion of Mr. Raynale, being (by consent of a majority of the senate to receive the amendment) filled with the words 'the house of Hosea Baker in said township,' passed the senate.

The title of said bill was then, on motion of Mr. Barry, amended, to be as follows, viz : 'An act to organize certain townships.'

Mr. Comstock gave notice that on to-morrow he would ask leave to bring in a bill to organize certain townships in the county of Allegan.

Mr. Britain gave notice that hereafter he would ask leave to bring in the following bills, viz:

A bill to extend the limits of the village of St. Joseph;

A bill to authorize the corporation of the village of St. Joseph to contract a loan ;



A bill to authorize the corporation of the village of St. Joseph to construct a bridge over the St. Joseph river.

The senate then adjourned.

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TUESDAY, February 9, 1836.

The senate met pursuant to adjournment.

Mr. Rumsey presented the petition of Hezekiah Riggs and Ebenezer C. Riggs, praying for authority to sell a certain piece of land, which, being read, was, on motion of Mr. Rumsey, referred to the committee on the judiciary.

Mr. Hough, from the committee on incorporations, to whom was referred the petition of sundry inhabitants of the town of Niles, in the county of Berrien, praying an act of incorporation to construct a bridge across the St. Joseph river in said town,—reported that said committee had instructed him to ask that they be discharged from the further consideration of said petition, and that the same be referred to the committee on roads and bridges.

The committee was discharged; and the petition, on motion of Mr. Ellis, referred to the committee on roads and bridges.

Mr. Barry, from the judiciary committee, to whom had been referred a petition of Daniel Coleman and others, praying for authority to build a dam across Grand river, reported a bill, entitled 'a bill to authorize building a dam across Grand river;' which bill was read a first time and laid on the table.

Mr. McDonell, from the committee on finance, to whom had been referred the bill entitled 'A bill relative to the duties of auditor general and treasurer of the state, and for other purposes;' reported the same back to the senate, with amendments; which amendments were severally concurred in by the senate. being as follows, viz:

To add to section one, the following proviso: '*Provided*, That the treasurer, before he enters on the execution of his office, shall give bond to the people of this state in the sum of

twenty-five thousand dollars, with three or more sufficient sureties, to be approved of by the president of the senate and speaker of the house of representatives, conditioned that such person shall and will faithfully and honestly execute and perform the duties of the office of treasurer of the state ; which bond shall be lodged in the office of the secretary of state, and shall be deemed to extend to the faithful execution of the said office of treasurer by such person, until a new appointment of treasurer be made, and a new bond given under such appointment; and the auditor general and treasurer of this state shall be sworn into office by any competent authority, authorized by law to administer oaths.'

In section 3, after the word 'district,' insert 'or prosecuting:' in section 4, after the words 'accounted for,' insert 'to the auditor,' and strike out, where they afterwards occur, the words 'auditor and.'

On motion of Mr. Barry,

The first section was further amended by striking out in the proviso, the words 'shall be sworn' &c. at the end of the proviso, and adding as follows: 'shall take subscribe the oath prescribed in the first section of the 12th article of the constitution, before some competent authority authorized by law to administer the same; which oath, so taken and subscribed as aforesaid, shall be filed in the office of the secretary of state.

On motion of Mr. McDonell,

*Ordered*, That said bill be engrossed, and read a third time.

Mr. Ellis, from the committee on enrolled bills, reported that they had examined the engrossed bill entitled 'An act to organize certain townships,' and had found the same correctly engrossed.

Mr. Comstock asked and, on motion of Mr. Britain, obtained leave to bring in a bill to organize certain townships in the county of Allegan; and Messrs. Comstock, Ellis and Britain were appointed a committee for that purpose.

Mr. Rumsey offered the following resolution:

*Resolved*, That the judiciary committee be instructed to report a bill providing for the organization of the judicial department, and for the election of township and county officers, agreeably to the sixth article of the constitution of this state.

Mr. Ellis moved to amend by striking out all after the word 'resolved,' and inserting as follows:

That the judiciary committee be instructed to inquire into the propriety of providing for the organization of the judicial department of the government of this state, agreeably to the sixth article of the constitution of Michigan; and that they have leave to report by bill or otherwise.'

On motion of Mr. Barry,

Said resolution and amendment were laid on the table.

Mr. Hascall called up his resolution, which had been laid on the table, in relation to memorializing congress for a donation of public lands for the improvement of the navigation of certain rivers, &c.; and accepted an amendment to insert after Cass, 'St. Joseph and Kalamazoo.'

Mr. Ellis moved to amend by inserting after Kalamazoo, 'Huron, Raisin and Ottawa.'

Mr. McDónell moved an amendment to said amendment, by adding 'Ecorce and Rouge,' which was agreed to; and the amendment as amended was then adopted.

The question being then on adopting the resolution as amended, Mr. Barry moved to strike out all the names of rivers in said resolution, and insert "all the navigable rivers of this state.'

A division of the question being called for, the names of the rivers, as above, were stricken out, and said words inserted.

The resolution, on motion of Mr. McDonell, was referred to the committee on internal improvements.

Mr. Hascall laid the following resolution on the table:

*Resolved*, That the committee on state affairs be instructed to inquire into the expediency of laying out and constructing

a state road from Fort Gratiot to the rapids of Grand river; and report to the senate by bill or otherwise.

On motion of Mr. Moody,

*Resolved*, That the committee on roads and bridges be instructed to inquire into the expediency of passing a law authorizing the appointment of state or county road commissioners; and to report by bill or otherwise.

Mr. Britain, in pursuance of notice given yesterday, asked and obtained leave to bring in a bill to extend the limits of the village of St. Joseph, in Berrien county.

Messrs. Britain, Hough and Rumsey, were appointed a committee to bring in said bill.

The special orders of the day, being a bill entitled 'a bill to provide for establishing seats of justice,' having been taken up, the senate again went into committee of the whole on said bill, Mr. Barry in the chair.

And after some time occupied in the discussion of said bill, the committee rose, and, through their chairman, reported progress; and asked leave to sit again, which was granted.

On motion of Mr. Rumsey,

*Resolved*, That an additional member be added to the committee on internal improvements.

Mr. Britain was thereupon appointed said additional member.

The senate, on motion of Mr. Barry, then adjourned.

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WEDNESDAY, Feb. 10, 1836.

The senate met, pursuant to adjournment.

A message from the house of representatives was announced, informing the senate of their concurrence in the amendment made by the senate to a resolution from the house, in relation to the purchase of certain copies of 'Farmer's New Map of Michigan;' and also that the house of representatives had made certain amendments to the report of the select joint committee on that part of the governor's message which relates to the admission of Michigan, &c., in which they asked the concurrence of the senate.

Mr. Hascall, in pursuance of previous notice, asked and obtained leave to bring in a bill to abolish imprisonment for debt.

Messrs. Hascall, Clark and Britain were appointed a committee for that purpose.

On motion of Mr. Comstock,

The senate took up the report and resolutions from the joint committee on that part of the governor's message which relates to the admission of Michigan, &c., and the senate, thereupon, on motion of Mr. Barry, went into committee of the whole, Mr. Britain in the chair, on said report and resolutions, together with the amendments made thereto in the house of representatives:

The committee, after some time spent thereon, rose, and through their chairman, reported that they had had the same under consideration, and instructed him to report the same back to the senate with an additional amendment made by the committee.

The question being on agreeing to the first amendment made in the house of representatives, viz: to strike out in line twenty-six, page one, of the printed report, the word 'malign;' said amendment was concurred in, and the other amendments made in the house, and reported by the committee, were then also concurred in, being as follows: to strike out, in the 34th and 35th lines, page one, the words 'while from past events they have nothing to expect from a returning sense of justice by Ohio,' and to strike out the last resolution reported by the joint committee, and insert—

*Resolved*, That the Executive cause a copy of the foregoing report and resolutions to be transmitted to the President of the United States, the president of the senate, the speaker of the house of representatives, and each of our senators and representative in congress.

The senate thereupon also concurred in the amendment

made in committee of the whole, being to strike out the paragraph commencing page two line ten.

The question being on adopting the report as amended, Mr. Britain moved to lay the report and amendments on the table, and that they be made the special order of the day for to-morrow.

Mr. Clark moved to amend said motion, by substituting for 'to-morrow,' 'the day after to-morrow;' which was agreed to; and the motion, as amended, was adopted.

Mr. Comstock, from the committee appointed for that purpose, brought in a bill entitled 'A bill to organize certain townships in the county of Allegan;' which was read a first time, and the necessary rule, on motion of Mr. Comstock, being suspended, said bill was then read a second time by its title, and ordered to be engrossed and read a third time to-morrow.

Mr. Hascall, from the committee for that purpose, brought in a bill entitled 'A bill to abolish imprisonment for debt,' which bill was read a first time and laid on the table.

Mr. Clark, from the committee appointed last session to report on the salaries to be allowed to state officers, made a report, and asked that the committee be discharged from the further consideration of the subject; which report, being read, was, on motion of Mr. Clark, referred to the committee on state affairs, and the above committee discharged from the further consideration of the subject.

Mr. McDonell laid the following resolution on the table:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of authorizing the governor, or the person administering the government of this state in the vacation of the legislature, for reasonable cause to suspend any person in the exercise of his official functions, who holds the office of secretary of state, auditor general, treasurer of the state, attorney general, and prosecuting attorney; and to make temporary appointments to officiate and exercise

the duties of any such office from which the incumbent may have been suspended; but every such temporary appointment to expire at the end of the next session of the succeeding legislature; and also to inquire into the expediency of authorizing the person administering the government of this state in the vacation of the legislature, for reasonable cause to remove from office sheriffs, coroners, justices of the peace, county clerks, county surveyors, registers of deeds, and such other civil officers as may be created by law; and that said committee have leave to report by bill or otherwise.

The president announced a message from the executive, accompanied with a report from the secretary of state, in relation to the negotiation of a state loan, in pursuance of the act of Nov. 14th, 1835; which message and report being read, were referred to the committee on finance.

Mr. Clark offered the following resolution:

*Resolved*, That the committee on internal improvement inquire into the expediency of memorializing congress for an appropriation to defray the expenses of a survey of the flats at the mouth of the river St. Clair, and also for the erection of a light house at Wind Mill point at the outlet of lake St. Clair.

Mr. Ellis moved to amend by adding thereto, the words 'at the mouth of the Detroit river;' and Mr. Hascall moved to add further, 'and at the mouth of Saginaw river;' which amendments were both accepted by the mover;

Mr. Comstock moved to add 'and at the mouths of St. Joseph and Kalamazoo rivers;' which was agreed to; and the resolution as amended was then adopted.

Mr. Comstock gave notice that he would on a future day ask leave to bring in a bill to organize the county of Van Buren, and certain townships in said county.

Mr. Ellis gave notice that he would on a future day ask leave to bring in a bill to incorporate the city of Monroe.

The senate, on motion of Mr. Clark, then adjourned.

THURSDAY, Feb. 11, 1836.

The senate met pursuant to adjournment.

Mr. Moody presented a petition of Ralph Updyke and others, for a law to authorize Nathan Welch to overflow certain lands during a certain time of the year, which, on motion of Mr. Moody, was referred to the committee on internal improvements.

Mr. Hough gave notice that he would, at some future day, ask leave to bring in a bill to organize certain townships in the county of Lenawee.

Mr. Davis, from the committee on roads and bridges, to whom had been referred the petitions of certain inhabitants of Allegan, reported a bill entitled 'a bill to lay out a state road from Pawpaw mills to the Falls of Grand river,' which was read a first time and laid on the table.

On motion of Mr. Britain,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing, by law, for the election of governor, lieutenant governor, members of the legislature, and representatives in the congress of the United States, agreeably to the constitution of this state; and said committee be authorized to report by bill or otherwise.

On motion of Mr. Ellis,

*Resolved*, That the communication of the Executive, with the accompanying documents, relative to the arrest and imprisonment of Lewis Brown, an officer of this state, by the authorities of Ohio, be referred to the committee on the judiciary, with instructions to report by bill or otherwise.

Mr. Ellis laid the following resolution on the table:

*Resolved*, That the committee on the militia be instructed to inquire into and report upon the propriety of memorializing congress for such an alteration of the laws relating to the organization of the militia, as shall provide for the abolishment of general musters, and substitute in lieu thereof, under suitable restrictions, a system providing for an efficient organization of independent volunteer companies in the several states.



The engrossed bill, entitled 'a bill relative to the duties of the auditor general and treasurer of the state, and for other purposes,' was taken up and read a third time and passed.

The engrossed bill, entitled 'a bill to organize certain townships in the county of Allegan,' was also taken up and read a third time; and

On motion of Mr. Comstock,

The name of 'Saugatuck,' in the 4th section of said bill, was, by consent of the senate to receive the amendment, altered to 'Newark;' and the bill then passed.

Mr. Barry offered the following resolution:

*Resolved*, That a committee of five be appointed on the part of the senate, to act in concert with such committee as may be appointed by the house of representatives, to take into consideration the propriety of an immediate adjournment of the legislature; and that said committee be instructed to report at three o'clock, p.m., this afternoon.

Mr. McDonell moved to lay the resolution on the table; which was lost, by yeas and nays, as follows:

Yeas—Messrs. Hough, McDonell, Moody, Ten Eyck—4.

Nays—Messrs. Barry, Britain, Clark, Comstock, Davis, Ellis, Finch, Hascall, Rumsey—9.

Mr. Britain moved to strike out 'and that said committee be intructed to report at 3 o'clock, p. m. this afternoon;'—which prevailed.

Mr. Ellis moved to strike out 'immediate;' agreed to.

Mr. McDonell moved to strike out so much as required the committee to be a joint committee of both houses; which was lost.

Mr. Britain moved to strike out 'five' as the number of the committee on the part of the senate, and insert 'three;' which was lost, and the resolution as amended was then adopted; and,

Messrs. Barry, Moody, Ellis, Davis and Clark were appointed said committee on the part of the senate.

The senate then went into committee of the whole, Mr.

Barry in the chair, on the general orders of the day, being a bill entitled 'A bill to provide for establishing seats of justice;' and after some time spent in the consideration of said bill, the committee rose, and through their chairman, reported the same back to the senate with sundry amendments, in which they asked the concurrence of the senate.

And said amendments were severally concurred in by the senate.

On motion of Mr. Ellis,

The word 'governor' where it occurs in said bill was ordered to be stricken out, and the word 'executive,' inserted.

On motion of Mr. McDonell,

The vote on adopting section 3 was reconsidered ; there-upon,

On motion of Mr. Barry,

The words 'in equal proportions,' in section 8, were struck out, and the words 'person or' inserted before 'persons ; and said section, as amended, again adopted.

On motion of Mr. McDonell,

That said bill be ordered to be engrossed and read a third time, it was decided in the affirmative, by yeas and nays, as follows :

Yeas—Messrs. Britain, Comstock, Davis, Hascall, Hough, McDonell, Moody, Rumsey, Ten Eyck—9.

Nays—Messrs. Barry, Clark, Ellis—3.

A message from the house was received, informing the senate that the house did *not* concur in the resolution for the appointment of a joint committee to inquire into the propriety of an adjournment.

Mr. Moody called for the second reading of the bill entitled 'A bill to authorize building a dam across Grand river;'—which being read a second time,

On motion of Mr. Britain,

The words 'seventy-five' and 'sixteen' in section 2, were stricken out; and after the word 'punishable' line 6 section 4, the words 'by fine or imprisonment' were inserted; and,

On motion of Mr. Ellis,

The word 'duties' line 1, section 3, was altered to 'duty;'

And the bill as amended, was, on motion of Mr. Moody, ordered to be engrossed and read a third time.

The senate then adjourned.

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FRIDAY, Feb. 12th, 1836.

The senate met pursuant to adjournment.

Mr. Britain presented the petition of certain citizens of Mottville for a bank at Mottville, which, on motion of Mr. Britain, was referred to the committee on incorporations.

Mr. Hascall, in pursuance of previous notice, asked and obtained leave to bring in a bill to organize the county of Genesee; and,

Messrs. Hascall, Clark and Finch were appointed a committee to bring in said bill.

Mr. Hascall, from said committee, brought in a bill entitled 'A bill to organize the county of Genesee;' which bill was read a first, and, by consent of three-fourths, a second time, and on motion of Mr. Hascall, referred to the committee on towns and counties.

Mr. McDonell gave notice that on a future day he would ask leave to bring in a bill to incorporate the stockholders of the Michigan paper manufacturing company.

Mr. Britain laid the following resolution on the table :

*Resolved*, That the judiciary committee be instructed to report a bill authorizing the appointment of persons distinguished for their legal attainments and not members of this legislature to draw up a code of laws for the state of Michigan, and report the same to the legislature at its next session.

The third reading of a bill entitled 'A bill to authorize building a dam across Grand river,' being in order, said bill on motion of Mr. Britain, was laid on the table.

A message from the house of representatives was received, transmitting a bill, which had passed that body entitled 'A bill to provide for the adjudication and final decision of the ques-

tions of boundary between this state and the state of Indiana.'

The special orders of the day, being the report of the joint committee on the admission of Michigan, &c., coming up, Mr. Ellis moved a call of the senate, when it appeared that the following members were absent :

Messrs. Comstock, Durocher, Moody, Raynale, Rumsey, Stockton.

Mr. Moody, on motion of Mr. Hascall, had leave of absence until Monday;

And on motion of Mr. Britain, Mr. Raynale had leave of absence from sickness.

Mr. McDonell moved to postpone the consideration of the report until Monday next, which was lost.

Mr. Ellis moved a suspension of the 20th rule of the senate, which was lost.

Mr. Ellis having moved that the sergeant-at-arms be sent for absent members, the chair declared said motion to be not in order; an appeal being made, said appeal was sustained :

And on motion of Mr. Ellis,

*Ordered*, That the sergeant-at-arms apprise absent members now in this city of the call of the senate.

Thereupon, on motion of Mr. Barry, the special orders of the day were laid on the table.

Mr. McDonell called up his resolution laid on the table on the 10th inst., in relation to instructing the judiciary committee to inquire into the expediency of authorizing the executive to remove certain officers and to make certain temporary appointments during the vacation of the legislature ; which was adopted.

Mr. Ellis, from the committee on enrollment, reported that they had examined the engrossed bill entitled 'A bill relative to the duties of auditor general and treasurer of the state, and for other purposes,' and had found the same correctly engrossed.

The bill from the house of representatives, entitled 'A bill

to provide for the adjudication and final decision of the question of boundary between this state and the state of Indiana,' was read the first time, and by unanimous consent a second time.

Whereupon, Mr. Ellis moved its reference to a select committee, which was lost.

On motion of Mr. Hough,

The bill was then referred to a committee of the whole, and made the special order of the day for Monday next.

The senate then adjourned.

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SATURDAY, Feb. 13, 1836.

The senate met pursuant to adjournment.

In the absence of the president, Mr. Barry, president pro tem., took the chair, and called the senate to order.

Mr. McDonell, from the committee on finance, brought in a resolution, entitled 'A resolution directing the deposits of the public monies, and for other purposes;' which was laid on the table and ordered to be printed.

Mr. Ellis offered the following resolution:

*Resolved*, That the secretary of state be directed, (the house of representatives concurring herein) to transmit copies of the annual message of the Executive, to the President of the United States, the president of the senate, the speaker of the house of representatives, and the governors of the several states and territories respectively.

Mr. McDonell moved to insert 'our senators and representatives in congress,' which was accepted by the mover; and the resolution, so modified, was adopted.

Mr. McDonell, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the stockholders of the Michigan paper manufacturing company.

Messrs. McDonell, Hough and Ellis, were appointed a committee to bring in said bill.

On motion of Mr. Comstock,

The bill entitled 'A bill to establish a state road from Paw-

paw mills, in Van Buren county, to the Grand river rapids, in the county of Kent, through the village of Otsego,' was read a second time, and ordered to be engrossed and read a third time on Monday next.

The bill entitled 'A bill to provide for establishing seats of justice,' was read a third time, and, on motion of Mr. Ellis, the blank in said bill was filled with 'three.'

The question being on the final passage of the bill, Mr. Britain offered an amendment, which, by consent of three-fourths, was received for discussion.

Said amendment, as follows, was then adopted:

To strike out, in section three, the words 'per day for their services while engaged in the execution of the above mentioned duties,' and insert 'for every day on which they may be engaged in exploring said county, and three dollars for every twenty miles travel in going to and returning from said county;' and the bill then passed.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the bill entitled 'A bill to organize certain townships in the county of Allegan,' and also a 'resolution relative to transmitting copies of the governor's annual message.'

The report of the joint committee on the admission of Michigan, &c., being in order, Mr. Ellis moved that said report be laid on the table, and made the special order of the day for Monday next, which motion prevailed, by yeas and nays, as follows:

Yeas—Messrs. Britain, Clark, Comstock, Ellis, Finch, President pro tem.—6.

Nays—Messrs. Davis, Hough, McDonell, Ten Eyck—4.

A message from the house of representatives was announced, transmitting a resolution relative to an election of treasurer by both branches of the legislature; which, on motion of Mr. McDonell, was laid on the table.

On motion of Mr. Comstock,

*Resolved*, That the president be requested to procure a reporter for the senate.

Mr. Clark gave notice that he should, on a future day, move for an alteration in the standing rules of the senate, in regard to their power over absent members..

Mr. Ellis moved that the secretary inform absent members of the request of the senate that they be present on Monday, which motion did not prevail.

The senate, on motion of Mr. Finch, then adjourned.

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MONDAY, Feb. 15, 1836.

The senate met pursuant to adjournment.

Mr. Britain presented the petition of citizens of St. Joseph, asking an extension of the limits of said village, and authority to contract a loan, and to bridge St. Joseph and Pawpaw rivers; which,

On motion of Mr. Britain,

Was referred to the select committee to bring in a bill for the extension of the limits of the village of St. Joseph.

Mr. McDonell presented the petition of Patrick Doyle, praying for authority to change his name to William Doyle; which, on motion of Mr. McDonell, was referred to the committee on the judiciary.

Mr. McDonell, from the committee on finance, reported a bill entitled 'A bill amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state and county purposes;' which was read the first time.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, a bill entitled 'A bill to provide for establishing seats of justice.'

Mr. McDonell, from the select committee appointed for that purpose, brought in a bill entitled 'A bill to incorporate the Michigan paper manufacturing company;' which bill, the necessary rule being suspended, was read a first second and time, and referred to the committee on incorporations.

Mr. Britain gave notice that he should on a future day ask leave to bring in a bill to provide for the election of senators to the congress of the United States.

Mr. McDonell gave notice that he should on a future day ask leave to introduce a bill to incorporate the Michigan state revenue, general insurance, loan and trust company.

On motion of Mr. Clark,

*Resolved*, That the committee on finance be instructed to inquire into the expediency of increasing the state tax now authorized to be collected by law, upon commission and other merchants or traders, or the venders of ardent spirits by retail under one quart, or the venders of ardent spirits over one quart—upon pedlers or travelling traders, and upon auctioneers.

That said committee be further instructed to inquire what other objects may properly pay an indirect tax; and that said committee have leave to report by bill or otherwise.

Mr. Hough offered the following resolution:

*Resolved*, That when the senate adjourns, it do adjourn to meet at 3 o'clock this afternoon; and that they continue to hold an afternoon session until otherwise ordered.

Mr. Ellis moved to strike out all after '3 o'clock this afternoon.'

On motion of Mr. McDonell, the resolution and amendment were laid on the table.

Mr. McDonell laid the following resolution on the table:

*Resolved*, That the judiciary committee be instructed to report a bill organizing all township and county officers, in conformity with the sixth and seventh articles of the constitution of this state, and to define the powers and duties of such officers.

The bill entitled 'A bill to lay out and establish a state road from Pawpaw mills, in Van Buren county, to the Grand river rapids, in the county of Kent, through the village of Otsego,' was read a third time and passed.

The report of the joint committee on the admission of Michigan, &c., being taken up, on motion of Mr. Comstock, the word 'of' was stricken out before the words 'the influence,' in line 26, page 1.



Mr. Comstock then moved that the resolutions appended be stricken out, and the following substituted in lieu thereof :

*Resolved, by the senate and house of representatives, That the people of Michigan, possessing the clear and indisputable right of self-government, and (upon a contingency which has long since happened) an admission into the union on an equal footing, in all respects whatsoever, with the original states—having formed a republican constitution and state government, in accordance with the provisions of the irrevocable ordinance of 1787, and agreeably to the acts of congress, ask and request a speedy recognition of that right, upon the terms of the original compact, by the Congress of the United States.*

*Resolved, That, while the senate and house of representatives are not unmindful of the numerous subjects, both of a general and local nature, which now claim the attention of the people of Michigan, requiring the earliest attention and action of their representatives, the fact that our rightful claims for admission are still pending before congress, would serve to call in question the expediency of legislation at this time further than the absolute wants of the people require, and the propriety of legislating upon any such subjects as might, by possibility, tend to disturb the amicable relations existing between the people and authorities of this state and the general government, entertaining a just hope, and an ardent expectation, that the consummation of the pledged faith of the nation will no longer be withheld from us.*

*Resolve 1, That, with the view of preparing and providing a general system of laws, applicable to the wants and interest of the people, calculated to establish the judiciary, and consistent with the constitution of this state,*

*be, and are hereby, appointed a committee for that purpose, who shall report the same at an adjourned session—by whom the duty shall be performed of memorializing the congress of the United States to grant certain unappropriated lands to*

the people of the State of Michigan for the purpose of internal improvement, and to make donations for their use in establishing the seat of government, and to aid in the erection of a penitentiary competent to meet the requisitions of the state.

After some time spent in the discussion of said amendment, the report and proposed amendment were laid on the table.

The senate then went into committee of the whole, Mr. Hough in the chair, on the bill from the house of representatives, entitled 'a bill to provide for the final adjudication and decision of the question of boundary between this state and the state of Indiana;'

And after some time spent thereon, the committee rose, and, through their chairman, reported the same back to the senate with an amendment, in which they asked the concurrence of the senate.

Whereupon the senate concurred in said amendment, being as follows: to strike out, in line 27, page 2 (printed bill), the words, 'by way of compromise.'

The bill was then, on motion of Mr. McDonell, read a third time; and the bill, as amended, then passed.

Mr. Ellis, from the committee on enrolment, reported, as correctly engrossed, the bill entitled 'a bill to lay out and establish a state road from Pawpaw mills, &c.'

The senate, on motion of Mr. Stockton, then adjourned.

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TUESDAY, February 16, 1836.

The senate met pursuant to adjournment.

The Lieutenant Governor, President of the Senate, in the chair.

Mr. Britain presented the petition of certain inhabitants of Niles, for a road from Niles to Allegan; referred to the committee on roads and bridges.

Mr. Britain, from the select committee appointed for that purpose, brought in a bill entitled 'a bill to extend the limits

of the village of St. Joseph, in Berrien county;' which was read twice, laid on the table, and ordered to be printed.

Mr. Finch, from the committee on towns and counties, to whom had been referred the bill entitled 'a bill to organize the county of Genessee,' reported the same back to the senate, with sundry amendments, in which they asked the concurrence of the senate.

Whereupon, the senate concurred in said amendments.

On motion of Mr. Barry,

The words 'first Monday in April next,' in section 5, were stricken out; and the word 'Saginaw,' in section 2, altered to 'Oakland;' also, after the words 'said county,' in section 2, were added 'or that shall be pending at the time of the taking effect of this act.'

The bill, as amended, was then ordered to be engrossed for a third reading.

Mr. Britain gave notice that he would, on a future day, ask leave to bring in a bill to amend an act to organize the county of Allegan; and a bill to incorporate a bank at the village of Bertrand, in Berrien county.

Mr. Hascall offered the following resolution, which was adopted:

*Resolved*, That the committee on towns and counties inquire into the expediency of vacating the seat of justice in the county of Shiawassee.

A message from the house of representatives was received by their clerk, as follows:

'Mr. President—

I am directed, by the house of representatives, to inform the senate of their concurrence in the amendment to the bill providing for the adjudication and final decision of the question of boundary between this state and the state of Indiana: also of their concurrence in the bill relative to the duties of auditor general and treasurer of this state, and for other purposes; and in the resolution for transmitting copies of the annual message of the governor.'

On motion of Mr. Davis,

*Resolved*, That the committee on the militia be instructed to enquire into the expediency of abolishing company, battalion and regimental parades; and to provide by law, for the more effectual drilling the officers, non-commissioned officers and musicians.

Mr. McDonell called up the resolution, entitled a resolution directing the deposits of public moneys, and for other purposes which was agreed to.

Whereupon Mr. McDonell moved the adoption of said resolution.

Mr. Comstock moved to strike out lines two and three, in said resolution, which was lost.

The resolution on motion of Mr. McDonell, was then referred to the committee on the judiciary.

On motion of Mr. Barry,

The report of the joint committee on the admission of Michigan, &c. with the proposed amendment was taken up.

The question being on the adoption of said amendment, Mr. Britain called for a division of the question:—

The question, therefore, was on striking out the resolutions appended to the report; after some debate thereon, and before the question was taken, the senate on motion of Mr. Hough, adjourned.

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WEDNESDAY, Feb. 17, 1836.

The senate met, pursuant to adjournment.

Mr. Ellis presented the petition of Charles Paulin and Terace Paulin, of the county of Monroe, for dissolution of marriage contract; which was referred to the committee on Indian affairs.

A message from the house of representatives was received transmitting the following bills:

‘A bill fixing the salaries of certain officers.’

‘A bill to authorize the building a dam across Grand river.’

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'A bill to authorize the building of a bridge over the river St. Joseph, at the village of Niles, in the county of Berrien.'

Mr. Barry presented the petition of the citizens of White Pigeon for the incorporation of a manual labor college.

Referred to the committee on incorporations.

The president announced the following message from the governor:—

*To the senate—*

I have this day approved and filed in the office of the secretary of state, an act entitled, 'An act to provide for the adjudication and final decision of the question of boundary between this state and the state of Indiana.'

STEVENS T. MASON.

February 16, 1836.

The bill from the house of representatives entitled, 'A bill fixing the salaries of certain officers,' was taken up and read the first and second times.

Mr. Britain moved to amend said bill by inserting before the last section the following as an additional section:

'Sec. The superintendent of public instruction shall receive for his services an annual salary of            dollars;— which was adopted by yeas and nays as follows:—

Yeas—Messrs. Britain, Davis, Ellis, Finch, Hascall, Hough, Moody, Ten Eyck,—8.

Nays—Messrs. Barry, Clark, Comstock, McDonell, Stockton,—5.

Mr. Clark moved to strike out all the sums fixed for salaries in said bill.

Mr. McDonell called for a division of the question; the question being therefore on striking out the word 'eight' in section one, it was lost by yeas and nays as follows:—

Yeas—Messrs. Barry, Clark, Ellis, Stockton,—4.

Nays—Messrs. Britain, Comstock, Davis, Finch, Hascall, Hough, McDonell, Moody, Ten Eyck,—9.

The question being then put successively on striking out the word 'two' in sections 2, 3, and four, was lost on each.

Mr. Ellis moved to amend by inserting as an additional section:

**'The judges of the supreme court shall each receive an additional sum of                   dollars,' which was lost by yeas and nays as follows:**

**Yeas—Messrs. Barry, Clark, Comstock, Ellis, Hascall, Stockton,—6.**

**Nays—Messrs. Britain, Davis, Finch, Hough, McDonell, Moody, Ten Eyck—7.**

Mr. Ellis moved to strike out all after the enacting clause; which motion was lost by yeas and nays as follows:

**Yeas—Messrs. Barry, Clark, Comstock, Ellis, Stockton,—5.**

**Nays—Messrs. Britain, Davis, Finch, Hascall, Hough, McDonell, Moody, Ten Eyck,—8.**

The bill was then ordered to be engrossed for a third reading, by yeas and nays as follows:

**Yeas—Messrs. Britain, Davis, Finch, Hascall, Hough, McDonell, Moody, Ten Eyck,—8.**

**Nays—Messrs. Barry, Clark, Comstock, Ellis, Stockton—5.**

The bill from the house of representatives, entitled, 'A bill to authorize the building of a bridge over the St. Joseph at the village of Niles in the county of Berrien;' and 'A bill to authorize the building a dam across Grand river,' were then severally read a first time.

Mr. Davis moved a reconsideration of the vote on referring the resolution relative to the deposits to the Judiciary committee, and that the same be referred to the committee on finance, which was adopted, and the resolution was referred to the committee on finance.

Mr. Britain asked and obtained leave to bring in a bill to incorporate a bank at the village of Bertrand, in Berrien county: and Messrs. Britain, Barry, and McDonell, were appointed a committee for that purpose.

On motion of Mr. Comstock,

*Resolved*, That the committee on the division of towns and counties be instructed to inquire into the propriety of

changing the name of the town of Arcadia in the county of Kalamazoo, to that of Kalamazoo, and to report by bill or otherwise.

The third reading of the bill originating in the senate, entitled, 'A bill to authorize the building a dam across Grand river,' being in order, on motion of Mr. Moody, the first blank was filled with the word 'seventy-five,' and the second blank with 'fifteen,' the bill was then read a third time and passed: and the title, on motion of Mr. Moody, was then ordered to be amended as follows:

'A bill to authorize Daniel Coleman and others to build a dam across Grand river.'

A message from the house of representatives was received, transmitting the following bills:

'A bill to authorize the building of a dam in the Kalamazoo river,' and a bill to authorize Benjamin B. Hoar to alter his name,' 'A bill to authorize John M. Barbour & others to build a dam across the St. Joseph river at Bertrand.'

The bill entitled 'A bill to organize the county of Genesee,' being taken up for third reading, Mr. Hascall offered an amendment to insert the following as an additional section before section 4, which amendment being received by a majority of the senate, was thereupon adopted.

Sec. 4. That the circuit court for the county of Saginaw shall hereafter be held on the Tuesday next after the fourth Monday in June, and the Thursday next after the fourth Monday in January in each year.

On motion of Mr. Hascall,

The blank in section three was filled with 'the fourth Monday of June, and the Thursday next after the fourth Monday of January,' the blank in section five, was filled with the 'first Monday of April next,' and the bill was then read a third time and passed.

The unfinished business of the day, being the report of the joint committee on the admission of Michigan, &c. being in order, and the question being on striking out the resolutions appended to said report:

Mr. Comstock withdrew his motion to strike out said resolutions and insert those previously offered by him.

Mr. Comstock then moved the adoption of the resolutions then offered by him.

The question being first put on the adoption of the first of said resolutions;

Mr. McDonell moved to strike out all in said resolution after the words 'original states,' which motion prevailed by yeas and nays as follows:

Yeas—Messrs. Britain, Davis, Finch, Hough, McDonell, Moody, Ten Eyck.—7.

Nays—Messrs. Barry, Clark, Comstock, Ellis, Hascall, Stockton,—6.

On motion of Mr. Ellis,

The word 'possessing' was altered to 'possessed,' and on motion of Mr. Britain, the word 'an' before admission was changed to 'of,' and the resolution so amended, was then adopted, being as follows:

*Resolved by the senate and house of representatives of the state of Michigan,* That the people of Michigan possessed the clear and indisputable right of self government, and upon a contingency which has long since happened, of admission into the union on an equal footing in all respects whatever with the original states.

The question being on the adoption of the second of said resolutions, was lost.

The question then being on the adoption of the third resolution,

Mr. Ellis moved to strike out all after the words 'adjourn-session,' which was agreed to.

Mr. Comstock moved to fill the blank with three persons not members of the legislature, which was lost.

Mr. Barry moved to fill said blank with 'two persons not members of the legislature.'

Mr. Ellis moved to add after the word 'appointed,' the words, 'by joint vote of the senate and house of repre-



sentatives,' which was accepted by Mr. Barry, and the amendment as modified was lost.

The question being on the third resolution as above amended was lost.

Mr. Ellis moved to amend the report and resolutions as now adopted, by adding the following resolution:

*Resolved*, That the legislature adjourn on the instant, until the first Monday in July next, unless sooner convened by the executive.

Mr. Davis made a motion to adjourn which was lost:—

Mr. Barry moved to amend Mr. Ellis' resolution by submitting the following, which was accepted by the mover:

*Resolved*, That the legislature adjourn on the 20th instant, until the first Monday in July next, unless sooner convened by the executive.

Mr. Britain moved that the senate do now adjourn which was lost.

On motion of Mr. Barry,

The report and amendment were laid on the table, and made the order of the day for to-morrow.

And the senate then adjourned.

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THURSDAY, Feb. 18, 1836.

The senate met pursuant to adjournment.

Mr. Stockton presented the petition of Phineas Davis and others of the Black river steam mill company: read and referred to the committee on incorporations.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, 'a bill to organize the county of Genesee;' 'a bill to authorize Daniel Coleman and others to build a dam across Grand river;' and as correctly enrolled, 'an act relative to the duties of Auditor General and Treasurer of this State, and for other purposes.'

Mr. McDonell, from the committee on finance, to whom had been referred the 'resolution directing the deposits of public moneys, and for other purposes,' reported the same

back to the senate without amendment ; which report was accepted, and the resolution, on motion of Mr. McDonell, was then adopted.

Mr. Britain, from the committee appointed for that purpose, brought in a bill entitled 'a bill to incorporate the bank of Bertrand,' which was read a first time by its title, and, by consent of three fourths, a second time ; and, on motion of Mr. Barry, referred to the committee on incorporations.

Mr. Britain gave notice that he would, on a future day, ask leave to bring in a bill to incorporate the village of New Buffalo, in Berrien county.

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to provide for the election of senators to the congress of the United States.

Messrs. Britain, Hough and Comstock, were appointed a committee to bring in said bill.

Mr. Ellis, from the committee on enrolment, reported, as correctly engrossed, the 'Resolution directing the deposits of public moneys, and for other purposes.'

Mr. Britain offered the following preamble and resolution, which was adopted:

Whereas knowledge and a rational sense of moral obligation are alike necessary to the promotion of happiness and the prosperity of republican institutions, and whereas the 10th article of the constitution of this state hath wisely made it the duty of the legislature to encourage the promotion of improvement by the appointment of a superintendent of public instruction by providing for a system of common schools, and by all other suitable means; therefore

*Resolved*, That a select committee be appointed, with instructions to report a bill providing for the appointment of a superintendent of public instruction, and prescribing his powers and duties.

Messrs. Britain, Barry and Stockton were appointed the select committee for that purpose.

Mr. Barry laid the following resolution on the table:

*Resolved*, That the governor be, and he is hereby respectfully requested officially, to communicate to the senate his views in relation to the expediency or in expediency of the present organization of the state government, and especially his views on the propriety of the present organization of the Judiciary department ; and also his opinion whether, if the Judiciary department be now organized and carried into effect under existing circumstances, there is not danger of producing a collision with authorities of the general government, which the President of the United States has intimated his determination to sustain.

On motion of Mr. Comstock,

*Resolved*, That a select committee be appointed with instructions to inquire whether a safety fund system should be adopted by the legislature to protect the bill holders of the banks of this state that may hereafter be created:

Messrs. Comstock, Hascall and Ellis were appointed said select committee.

Mr. Ellis laid the following preamble and resolution on the table:

Whereas the representative and senators in the congress of the United States of the state of Michigan, have been refused a seat in said body, as the representatives of this free, sovereign and independent state, in violation of the provisions of the ordinance of 1787—to the great detriment of the wants and interests of said state; therefore

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of instructing our senators and representative in congress to return without delay from the seat of general government.

Mr. Davis gave notice that he would on some future day ask leave to bring in a bill for the grant of a charter for a railroad by the title of the Wayne and Shiawassee railroad.

The third reading of the bill from the house of representatives, entitled 'A bill fixing the salaries of certain officers,' being order;

Mr. Moody moved to fill the blank in the additional section adopted yesterday, with 'four hundred,' which was lost: Mr. Comstock moved to fill said blank with 'two hundred and fifty;' Mr. Britain with 'three hundred and fifty;'

Mr. Ellis moved to strike out said section, which amendment being received by a majority, was adopted; and said section was stricken out.

The bill being read a third time, and the question being on the final passage of the bill, Mr. Clark moved to commit the bill to the committee on state affairs, which motion was lost by yeas and nays, as follows:

Yeas—Messrs. Barry, Clark, Comstock, Ellis, Hascall, Stockton—6.

Nays—Messrs. Britain, Davis, Finch, Hough, McDonell, Moody, Ten Eyck—7.

The bill then passed the senate, by yeas and nays, as follows:

Yeas—Messrs. Britain, Comstock, Davis, Finch, Hascall, Hough, McDonell. Moody, Ten Eyck—9.

Nays—Messrs. Barry, Clark, Ellis, Stockton—4.

The report of the joint committee on the admission of Michigan, &c., as amended, with a further proposed amendment, having been taken up;

The senate, on motion of Mr. McDonell, resolved itself into a committee of the whole, Mr. Clark in the chair, on said report and amendments; and after some time spent in debate thereon, the committee rose and through their chairman, reported progress and asked leave to sit again; the question being on granting leave, was lost.

On motion of Mr. Hough,

*Ordered*, That when the senate adjourns, it adjourn to meet this afternoon at 3 o'clock.

The bill originating in the senate, and which had passed both houses, entitled 'An act relative to the duties of the audi-

for general and treasurer of the state, and for other purposes,' was presented to the governor for his signature.

The senate, on motion of Mr. Clark, adjourned.

AFTERNOON SESSION.

Three o'clock, P. M.

The senate met pursuant to adjournment.

The report of the joint committee on the admission of Michigan, &c., being taken up, and the question having been stated to be on the adoption of the amendment offered by Mr. Ellis, as modified by Mr. Barry;

Mr. McDonell moved a reconsideration of the vote on granting leave to the committee of the whole to sit again, which was agreed to, the question then being on granting leave to the committee to sit again, leave was granted.

The senate thereupon, on motion of Mr. McDonell, again resolved itself into committee of the whole, Mr. Clark in the chair; and after some time occupied in the discussion of the proposed amendment, the committee rose and reported progress.

The question being on the adoption of the amendment, Mr. Davis moved that the senate now adjourn, which was carried by yeas and nays, as follows :

Yeas—Messrs. Britain, Davis, Finch, Hough, McDonell, Moody, Rumsey, Ten Eyck—8.

Nays—Messrs. Barry, Clark, Comstock, Ellis, Hascall, Stockton—6.

Adjourned.

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FRIDAY, Feb. 19th, 1836.

The senate met pursuant to adjournment.

Mr. Hascall, from the committee on towns and counties, to whom had been referred a resolution instructing them to inquire into the expediency of vacating the seat of justice of Shiawassee county, reported a bill entitled 'A bill to vacate the seat of justice in the county of Shiawassee;' which bill was read a first time, and, by consent of three-fourths, a se-

cond time; and, on motion of Mr. Hascall, ordered to be engrossed and read a third time.

Mr. Hough, from the select committee to whom was referred so much of the governor's message as relates to the abolition of slavery, made a report, which was read, laid on the table, and ordered to be printed.

(See Senate document No. 7.)

Mr. Ellis, from the committee on enrolment, reported, as correctly engrossed, the amendments made in senate to the bill from the house of representatives, entitled 'A bill fixing the salaries of certain officers.'

The bill from the house of representatives entitled 'A bill to authorize the building of a dam in the Kalamazoo river,' being read a first time, and, by consent of three-fourths, a second time, was, on motion of Mr. Comstock, referred to the committee on internal improvements.

The bill from the house of representatives, entitled 'A bill to authorize John M. Barbour and others to build a dam across the St. Joseph river at Bertrand,' was read a first time and laid on the table; the order to print, on motion of Mr. McDonell, being suspended as to said bill.

The bill from the house of representatives, entitled 'A bill to authorize Benjamin B. Hoar to alter his name,' being read a first time, and, by consent of three-fourths, a second time, was, on motion of Mr. Barry, ordered to be read a third time to-morrow.

The resolution from the house of representatives relative to the election of treasurer by both houses, being taken up, the word '16th,' on motion of Mr. Hough, was stricken out, and the blank, on motion of Mr. Hascall, thereupon filled with '23d,' and the resolution as amended was concurred in, being as follows:

*Resolved*, That the senate and house of representatives meet on the 23d day of February, at 11 o'clock, A. M., in the hall of the house, and proceed by joint vote to elect a state treasurer.

On motion of Mr. Britain,

The bill entitled 'A bill to extend the limits of the village of St. Joseph, in Berrien county,' was taken up; and the question being on ordering the same to be engrossed and read a third time;

Mr. Ellis moved to strike out the proviso to section one, which was lost by yeas and nays, as follows:

Yeas—Messrs. Barry, Clark, Comstock, Ellis, Stockton—5.

Nays—Messrs. Britain, Davis, Finch, Hough, McDonell, Moody, Rumsey, Ten Eyck—8.

Mr. Ellis then moved to amend by inserting in line 10, section 1, before the word 'taxed' the word 'heretofore:' lost.

Mr. Britain moved to amend by adding to section 1, a further proviso, as follows, which was adopted:

'And provided further, that all the expenses of said corporation, except for improvements, shall be paid out of the common fund accruing from taxes, raised upon property situated upon both sides of the river.'

On motion of Mr. Britain,

The words 'and alike' in section 13, and line 14, were stricken out; and the bill was then ordered to be engrossed and read a third time.

A message from the governor, was received through the secretary of state, as follows:

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state, an act entitled 'An act relative to the duties of auditor general and treasurer of the state, and for other purposes.'

STEVENS T. MASON.

February 19, 1836.'

A message from the house of representatives was received transmitting a bill entitled 'A bill to authorize the governor to employ counsel in the case of Lewis Brown;' which bill, being read a first time and by consent of three-fourths a sec-

ond time, was, on motion of Mr. Barry, referred to the committee on the judiciary.

On motion of Mr. McDonell,

*Resolved*, That the committee on finance, be instructed to inquire into the expediency of incorporating a moneyed institution, with branches to be located in such of the counties as may desire such location, with a right of one-fourth of the capital stock of such institution to be subscribed in behalf, and for the benefit of the state, to aid in defraying the necessary public expenses ; with leave to report by bill or otherwise.

Mr. Hascall gave notice that he would on a future day ask leave to bring in 'A bill to attach the county of Midland to the county of Saginaw for judicial purposes.'

The report of the joint committee on the admission of Michigan, &c., being in order, and the question being on the adoption of the amendment offered by Mr. Ellis, after debate thereon, was decided in the negative by yeas and nays, as follows:

Yeas—Messrs. Barry, Clark, Comstock, Ellis, Hascall, Stockton—6.

Nays—Messrs. Britain, Davis, Finch, Hough, McDonell, Moody, Rumsey, Ten Eyck—8.

Mr. Barry in behalf of the minority of the senate, gave notice that on a future day they should file their protest against present legislation and ask the same to be entered on the journal.

Mr. Ellis asked leave of absence until the organization of the judicial department of the state of Michigan: and moved a call of the senate, which was not sustained: Mr. Hascall moved that the senate adjourn—carried.

And the senate adjourned.

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SATURDAY, Feb. 20, 1836.

A quorum not being present, Mr. Hough moved a call of



the senate, which being sustained, the following gentlemen answered to their names:

Messrs. Britain, Davis, Hough, McDonell, Moody, Rumsey—6.

On motion of Mr. Davis,

*Ordered*, That the sergeant-at-arms be sent to request the attendance of those members now in the city.

A quorum having convened, a message from the house of representatives was received, informing the senate of their concurrence in the amendment to the resolution in relation to the election of state treasurer.

Mr. McDonell, from the committee on printing, reported a resolution directing the publication of the laws, which was read, laid on the table, and ordered to be printed.

Mr. Barry called up his resolution offered on the 18th, viz:

*Resolve 1*, That the governor be, and he is hereby respectfully requested, officially to communicate to the senate his views in relation to the expediency of the present organization of the state government, and especially the propriety of the organization of the judiciary department, and also his opinion whether, if the judiciary department be now organized and carried into effect under existing circumstances, there is not danger of producing a collision with authorities of the general government, which the president of the United States has intimated his determination to sustain.

The question being upon the adoption of the resolution, it was decided in the negative by yeas and nays, as follows:

Yeas—Messrs. Barry, Clark, Comstock, Hascall, Stockton,—5.

Nays—Messrs. Britain, Davis, Hough, McDonell, Moody, Rumsey, Ten Eyck—7.

Mr. Britain from the select committee appointed for that purpose, brought in a bill entitled, 'A bill to prescribe the powers and duties of a superintendent of public instruction,' which was read a first time, and by consent of three fourths,

a second time; and on motion of Mr. Barry, committed to a committee of the whole, and made the special order for Monday next.

Mr. Hascall, in pursuance of previous notice, asked and obtained leave to bring in a bill to attach the county of Midland, to the county of Saginaw, for judicial purposes; and Messrs. Hascall, Clark, and Stockton were appointed a committee for that purpose.

Mr. Hascall from said committee, reported a bill entitled 'a bill to attach the county of Midland to the county of Saginaw for judicial purposes;' which bill was read a first time, and by consent of three fourths a second time; and was ordered to be engrossed for third reading.

A message from the executive was received through the secretary of state, as follows:

*'To the Senate :*

I have this day approved and filed in the office of the secretary of state, an act entitled 'An act fixing the salaries of certain officers.'

STEVENS T. MASON.

Detroit, Feb. 20, 1836.'

A message from the house of representatives was received, informing the senate of the passage in that body of a bill entitled 'A bill to provide for the laying out and recording town plats, and for other purposes;' and also of their concurrence in the 'resolution directing the deposits of public moneys, and for other purposes.'

The above bill from the house of representatives, being read a first and second times, was, on motion of Mr. McDonnell, referred to the committee on the judiciary.

Mr. Britain laid the following resolution on the table:

*Whereas*, a lake road, leading from the mouth of Grand river, of lake Michigan, southerly along the eastern shore of said lake, through the villages at the mouths of the following rivers, to wit: Black river, Kalamazoo river, South Black river, St. Joseph river, Gallain river, and Trail creek, to the

Chicago road, would be productive of great benefit to western Michigan, by affording the means both of friendly and commercial intercourse between the several ports through which it would pass, and to the government of the United States, by opening to the market an extensive district of valuable country, which, from its peculiar formation, must for a long time remain unsettled, unless the aid of the government be extended—Therefore

*Resolved by the senate and house of representatives of the state of Michigan,* That our senators in congress be instructed, and our representative requested, to use their exertions to obtain from congress, at its present session, an appropriation, either in money or lands, which shall be amply sufficient for the establishment and construction of said road and the bridges over the several streams across which it may pass.

*Resolved,* That the secretary of state be required to transmit a copy of these resolutions to our senators and representative in the congress of the United States.

The bill from the house of representatives entitled 'A bill to authorize Benjamin B. Hoar to alter his name,' was read a third time and passed.

The bill entitled, 'a bill to vacate the seat of justice of Shiawassee county,' was then read a third time; and the question being on the passage of said bill, it was, on motion of Mr. Barry, laid on the table.

The bill entitled 'a bill to extend the limits of the village of St. Joseph, in Berrien county,' was read a third time and passed; and the title, on motion of Mr. Britain, amended by adding thereto, 'and for other purposes.'

The unfinished business of yesterday being in order, and the question being on granting leave to Mr. Ellis until the organization of the judicial department of the state, Mr. Ellis withdrew his motion to that effect, and thereupon, on motion of Mr. McDonell, leave of absence was granted to Mr. Ellis for one week.

The report of the committee on the admission of Michigan, &c., having been taken up, and the question being on the adoption of the report as amended, the resolution last adopted was ordered to stand as the first.

Mr. Stockton moved to strike out all the resolution as now adopted, and insert in lieu thereof the following:

*Resolved by the senate and house of representatives of the State of Michigan,* That it is expedient to perfect the organization of the state government.

*Resolved,* That until our admission into the Union, or until after the adjournment of the present session of congress, that all legislation, as also all action of the state functionaries be and the same is hereby suspended.

*Resolved,* That the legislature will adjourn on the day of February, instant, until the first Monday in next, unless sooner convened by the governor.

The question on the adoption of said amendment, was decided in the negative, by the yeas and nays as follows:

Yeas—Messrs. Barry, Clark, Comstock, Ellis, Hascall, Stockton,—6.

Nays—Messrs. Britain, Davis, Hough, McDonell, Moody, Rumsey, Ten Eyck—7.

On motion of Mr. Ellis,

The third resolution, as now arranged, was stricken out; and the fourth, on motion of Mr. Hough, was also struck out: and the report as amended was adopted, by yeas and nays as follows:

Yeas—Messrs. Britain, Comstock, Davis, Hascall, Hough, McDonell, Moody, Rumsey, Ten Eyck,—9.

Nays—Messrs. Barry, Clark, Ellis, Stockton,—4.

The resolution as adopted by the senate, being in the words following, viz:

*Resolved by the senate and house of representatives of the state of Michigan,* That the people of Michigan, possessed the clear and indisputable right of self-government, and (upon a contingency which has long since happened,) of admis-

sion into the union, on an equal footing in all respects what-  
ever with the original states.

*Resolved, by the senate and house of representatives, That the legislature will proceed at its present session, to pass all laws required by the interests of the people, and to secure to them the rights guaranteed by the ordinance and the constitution of their own adoption.*

The senate then adjourned.

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MONDAY, Feb. 22, 1836.

A quorum not being present, Mr. Hough moved a call of the senate, which being sustained, the following members answered to their names:

Messrs. Barry, Clark, Comstock, Davis, Hough, McDonell, Ten Eyck—7.

On motion of Mr. Hough,

*Ordered,* That the sergeant-at-arms be sent to request the attendance of absent members now in the city.

A quorum being convened,

Mr. Ten Eyck presented the petition of Hugh Mc Vay and others; read and referred to the committee on towns and counties.

Mr. Barry from the judiciary committee, to whom had been referred the bill from the house of representatives entitled 'a bill to authorize the governor of this state to employ counsel in the case of Lewis Brown,' and a special message from the executive on the subject of the arrest of Lewis Brown by the authorities of Ohio, reported back said bill to the senate without amendment; and also from the same committee, to whom had been referred the petition of Patrick Doyle, reported 'a bill entitled 'a bill to change the name of Patrick Doyle.'

Mr. Barry from the committee on enrolment, reported as correctly engrossed, the bills entitled, 'A bill to extend the village of St. Joseph, in the county of Berrien, and for other purposes,' and the amendments made in senate to the re-

port of the select joint committee on the admission of Michigan

The bill from the house of representatives entitled 'A bill to authorize the governor of this state to employ counsel in the case of Lewis Brown,' on motion of Mr. Barry, was then read a third time and passed.

The bill entitled 'A bill to change the name of Patrick Doyle,' being then read a first time, was by consent of three-fourths a second time, was ordered to be engrossed for third reading to-morrow.

Mr. Britain, from the committee on towns and counties, to whom had been referred a resolution directing them to inquire into the expediency of altering the name of the township of Arcadia, in the county of Kalamazoo, reported a bill entitled, 'A bill to alter the name of the township of Arcadia;' which bill being read a first time, was laid on the table, the order to print being suspended as to said bill.

Mr. Rumsey from the committee on internal improvement, to whom was referred a bill from the house of representatives, to authorize Royal Sherwood and others to build a dam in the Kalamazoo river, reported the same back to the senate without amendment:

And from the same committee, to whom was referred the following resolution:—

*Resolved*, (with the concurrence of the house of representatives,) That a joint committee to consist of three members, from each branch of the legislature be appointed, with instruction, to draft a memorial to the congress of United States, asking a donation of a sufficient quantity of public land to defray the expenses of removing the obstructions from the navigable rivers of the state, and to connect the Maple and Shiawassee waters by railroad or canal:

Reported that the committee deem it inexpedient at the present time to press memorials upon the attention of congress, while the ordinance of our state, asking so many donations for works of a similar character is under their consideration,

and that the subject would more properly come before the congress of the United States, by petition from the citizens of the state.

The above bill from the house of representatives entitled, 'a bill to authorize the building of a dam in the Kalamazoo river,' was on motion of Mr. Comstock, laid on the table and ordered to be printed.

And the report of the committee in regard to the above resolution, on motion of Mr. Barry, was concurred in by the senate.

Mr. Barry gave notice that at a future day he should ask leave to bring in a bill to incorporate a company to construct a railroad or canal from Constantine in St. Joseph county, to Niles in Berrien county.

The bill entitled, 'a bill to attach the county of Midland to the county of Saganaw for judicial purposes,' was read a third time and passed: and the question being on the title of said bill, the vote on its final passage, was, on motion of Mr. Barry, reconsidered, and the bill thereupon committed to the committee on towns and counties.

The unfinished business being in order, and the question being on the final passage of the bill entitled, 'a bill to vacate the seat of justice in the county of Shiawassee,' the question prevailed, and said bill passed.

The special order of the day being a bill entitled, 'a bill to prescribe the powers and duties of superintendent of public instruction,' having been taken up, the senate resolved itself into committee of the whole on said bill, Mr. Comstock in the chair, and after spending some time in the discussion thereof, the committee rose, and through their chairman reported said bill back to the senate with an amendment.

The senate, on motion of Mr. Barry, concurred in said amendment, being to strike out section 2 in said bill.

On motion of Mr. Britain,

The following proviso was added to section 2 (formerly sec. 3.) viz:—'Provided, The amount paid to said superin-

tendent shall not be less than                      hundred dollars per annum.' The bill on motion of Mr. Britain, was then referred to the committee on literature.

Mr. Barry from the committee on enrolment, reported as correctly engrossed, the bill which had passed the senate, entitled a bill to vacate the seat of justice of the county of Shiawassee.

On motion of Mr. McDonell,

The senate took up the bill entitled 'a bill amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state and county purposes;' which being read a second time, the senate, on motion of Mr. McDonell, went into committee of the whole on said bill, Mr. Davis in the chair; and after some time spent in the discussion thereof, the committee rose and reported progress, and asked leave to sit again.

On motion of Mr. Mc Donell,

leave was granted; and the bill made the special order of the day for Wednesday next.

Mr. Barry from the committee on enrolment, reported as correctly enrolled, the joint resolution which had passed both houses, entitled, 'a resolution directing the deposits of public moneys and for other purposes.'

The bill entitled, 'a bill to authorize the building of a bridge over the river St. Joseph at the village of Niles in the county of Berrien,' being read a second time, was, on motion of Mr. Britain committed to the committee of the whole, and made the special order of the day for to-morrow.

The bill from the house of representatives, entitled 'a bill to authorize the building of a dam across the Grand river,' having been read a second time, was on motion of Mr. Moody, committed to committee of the whole, and made the special order of the day for to-morrow.

The bill from the house of representatives entitled, 'A bill to authorize John M. Barbour and others, to build a bridge across the St. Joseph river at Bertrand,' having been read



the second time, was, on motion of Mr. Barry, committed to committee of the whole, and made the special order of the day for to-morrow.

Mr. McDonell called for the consideration of the resolution laid on the table on Saturday, entitled 'a resolution directing the publication of the laws,' which was thereupon read a second time; on motion of Mr. Britain, the word 'fifty,' line 11, was struck out; and on motion of Mr. McDonell, the word 'said' line 15, was struck out, and the words 'every such' inserted in lieu thereof, and the resolution then ordered to be engrossed for third reading to-morrow.

The senate then adjourned.

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TUESDAY, February 23, 1836.

The senate met pursuant to adjournment.

Mr. Hascall, presented the petition of inhabitants of the county of Genessee for the organization of a certain town : referred to the committee on towns and counties.

Mr. Rumsey, from the committee on internal improvements, to whom had been referred the following resolution:

*Resolved*, That the committee on internal improvements, inquire into the expediency of memorializing congress for an appropriation to defray the expenses of a survey of the flats at the mouth of the river St. Clair, also for the erection of light houses at Wind-mill point at the outlet of lake St. Clair, at the mouth of Detroit river, at the mouth of Saginaw river, and at the mouths of St. Joseph and Kalamazoo river ;

Reported that at one of the points noticed in the resolution, there is a light house already erected, at St. Joseph, and your committee is of opinion that the subjects embraced by said resolution would more properly reach the national legislature through the petition of the citizens of the state of Michigan.

And from the same committee, to whom the petition of Ralph Updike and others to authorize Nelson Welch to flow certain land, report, that, in their opinion the subject of the

petition embraces a legal question, properly belonging to the judiciary committee, your committee therefore report the same back to the senate and ask to be discharged from the further consideration of the subject, and recommend that the said petition be referred to the committee on the judiciary.

On motion of Mr. Clark,

So much of said report as relates to memorializing congress in regard to the erection of light houses, &c., was laid on the table:

And the committee on internal improvements was thereupon discharged from the further consideration of the petition of Ralph Updike and others, and said petition was referred to the committee on the judiciary.

Mr. Barry, from the committee on the judiciary, reported a bill entitled 'A bill to organize the supreme court and to establish circuit courts,' which being read a first time, and by consent of three-fourths a second time,

Mr. Barry moved that said bill be committed to committee of the whole, and made the special order of the day for Thursday next.

A committee from the house of representatives was announced, who informed the senate that the house of representatives were now ready to go into the election of state treasurer, and that they had been appointed a committee to conduct the senate to the hall of the house of representatives.

And the senate, on motion of Mr. Barry, then proceeded to the hall of the house of representatives.

#### IN JOINT CONVENTION.

The convention, on motion of Mr. Barry, took a recess of fifteen minutes.

The convention having been called to order,

On motion of Mr. McDonell, proceeded to the election of state treasurer; and Mr. McDonell, on the part of the senate, and Mr. Hutchins, on the part of the house, were appointed tellers.

The vote was announced to be as follows;

For Charles Moran—(S.) Messrs. Barry, Comstock, Hascall; (H.R.) Messrs. Burdick, Whipple—5.

For Levi Cook—(S.) Messrs. Britain, Davis, Hough, McDonell, Moody, Rumsey, Ten Eyck; (H.R.) Messrs. Alden, Brewer, Brown, Britton, Charter, Dodge, Ely, Ferrington, Hutchins, O. Howe, Hill, Hart, Levako, Lothrop, Mead, Morse, Mathews, Noyes, Odell, Sherman, Strong, Summers, Van Every, Speaker—31.

For John A. Welles—(S.) Mr. Clark; (H.R.) Messrs. Brownell, Ellenwood, Green, Higley, Heath, Jackson, Monfore, Niles, Richardson, Voorheis—11.

Levi Cook was, therefore, declared duly elected treasurer of the state of Michigan.

And the convention, on motion of Mr. Lothrop, then adjourned.

#### IN SENATE.

The senate having returned to their chambers, the question recurred on the motion to commit the bill reported by the judiciary committee to committee of the whole, and to make it the special order of the day for Thursday next, which motion prevailed.

The enrolled resolution, entitled 'A resolution directing the deposits of the public moneys and for other purposes,' was presented to the governor for his signature.

On motion of Mr. McDonell,

*Ordered*, That the secretary inform Levi Cook of his election as state treasurer.

Mr. Comstock gave notice that he would ask leave on a future day, to bring in a bill to authorize a company to construct a canal for hydraulic and other purposes, from some point on the Huron river to Truaxes, on the Detroit river.

Mr. Davis offered the following resolution:

*Resolved*, That a committee of three be appointed to inquire into the expediency of dividing the county of Wayne, and organizing the county and city of Detroit, and report by bill or otherwise.

Mr. McDonell moved that the resolution lie on the table; which was lost.

Mr. Britain, having voted with the majority, moved a reconsideration of the vote on laying the resolution upon the table, which was lost by yeas and nays, as follows :

Yeas—Messrs. Barry, Britain, Comstock, McDonell, Rumsey—5.

Nays—Messrs. Clark, Davis, Hascall, Hough, Moody, Ten Eyck—6.

The resolution was then adopted by yeas and nays, as follows :

Yeas—Messrs. Barry, Britain, Clark, Comstock, Davis, Hascall, Hough, Moody, Rumsey, Ten Eyck—10.

Nays—Mr. McDonell—1.

And Messrs. Britain, Hough and Clark were appointed the committee.

A message from the executive was received through the secretary of state, as follows:

*'To the Senate :*

I have this day approved and filed in the office of the secretary of state, a resolution, entitled 'A resolution directing the deposits of the public moneys, and for other purposes.'

STEVENS T. MASON.

Detroit, Feb. 23, 1836.'

And also a message on executive business.

On motion of Mr. Britain,

The senate then went into the consideration of executive business.

The doors being opened, Mr. Britain moved a reconsideration of the vote on the title of the bill entitled 'A bill to authorize Benjamin B. Hoar to alter his name;' which being agreed to,

Mr. Britain moved that it be entitled 'An act changing the name of Benjamin B. Hoar to Benjamin Hobert.'

The bill entitled 'A bill changing the name of Patrick Doyle,'

was read a third time and passed; and the title, on motion of Mr. Barry, amended by adding 'to William Doyle.'

The resolution entitled 'A resolution directing the publication of the laws,' having been taken up for third reading, Mr. Comstock moved to amend by striking out 'Tecumseh Democrat,' and inserting 'Adrian Watch-Tower;' which amendment, being seconded by a majority, was received for discussion: before the question was taken on the adoption of said amendment,

The senate, on motion of Mr. Clark, adjourned.

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WEDNESDAY, Feb. 24, 1836.

The senate met, pursuant to adjournment.

Mr. Rumsey presented the petition of Moses Thompson and others, of Livingston county, for authority to construct a mill dam; referred to select committee of three, consisting of Messrs. Rumsey, Davis and Moody.

The resolution directing the publication of the laws having been taken up, Mr. Comstock withdrew his motion to strike out 'Tecumseh Democrat' and insert 'Adrian Watch-tower.'

M. McDonell moved to fill the blank in said resolution with 'fifty;' which was lost.

Mr. Rumsey moved to fill said blank with 'twenty-five.'

Mr. Barry with 'thirty-five.' Mr. Hough with 'forty.'

The question being on filling with 'forty,' the blank was so filled; and the resolution then passed the senate.

The senate then resolved itself into committee of the whole, Mr. Hascall in the chair, on the following bills:

'A bill to authorize the building of a bridge over the river St. Joseph, at the village of Niles, in the county of Berrien;'

'A bill to authorize the building of a dam across the Grand river;' and,

'A bill to authorize John M. Barbour and others to build a dam across the St. Joseph river at Bertrand.

And after some time spent in the discussion thereof, the

committee rose, and, through their chairmain, reported the same back to the senate with amendments, in which they asked the concurrence of the senate.

And the senate thereupon concurred in said amendments.

The bill, on motion of Mr. Britain, was referred to the committee on roads and bridges.

The bill from the house of representatives, being the 2d of the above bills, having been reported back to the senate without amendment, the senate concurred in the report of the committee of the whole as to said bill, and the bill was read a third time and passed.

The amendment made in committee of the whole to the last of the above bills, was concurred in; and the bill ordered to a third reading.

Mr. Barry, from the committee on enrolment, reported as correctly engrossed 'A bill to change the name of Patrick Doyle to William Doyle,' and 'a resolution directing the publication of the laws.'

The bill made the special order of the day, entitled 'A bill amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state and county purposes,' was, on motion of Mr. McDonell, made the special order for Friday next.

The senate, on motion of Mr. Hough, took up the report of the select committee on so much of the governor's message as relates to the abolition of slavery.

Mr. Hough moved to add to the last resolution, after the word 'to,' as follows: 'the governors of all the states, to the end that they may be submitted to the legislatures of the same for their consideration, and also to the senators and representative of this state in congress;' which was adopted.

Mr. Barry moved to strike out the third resolution appended to said report, which was lost.

On motion of Mr. Barry,

The words 'in contravention to the constitution of the

United States,' were inserted after the word 'abolitionists' in said resolution.

On motion of Mr. Hascall,

The word 'glorious,' line eight of the report, was stricken out; and the report, on motion of Mr. Britain, was laid on the table, and made the special order of the day for Friday next.

Mr. McDonell offered the following resolution, which was adopted:

*Whereas*, by an act of congress, approved May 20, 1826, the secretary of the treasury is authorized to set apart and reserve from the public sales, out of any of the public lands in the Territory of Michigan to which the Indian title may have been extinguished, &c., a quantity of lands not exceeding two entire townships, for the use and support of a University within said Territory: and whereas, forty-three sections of said townships so reserved from the public sales have been located under the direction of the secretary of the treasury, and twenty-nine sections of said lands still remain unlocated—Therefore

*Resolved by the senate and house of representatives of the state of Michigan*, That our senators and representative in congress be instructed to solicit the secretary of the treasury to reserve from the public sales of lands the twenty-nine sections of land aforesaid, and that they be authorized to locate said lands wherever they may deem proper.

The bill entitled 'A bill to alter the name of the township of Arcadia,' having been read a second time, was, on motion of Mr. Comstock, ordered to be engrossed for a third reading to-morrow.

The bill from the house of representatives, entitled 'A bill to authorize the building of a dam in the Kalamazoo river,' being taken up, Mr. Comstock moved to strike out section two, in said bill, and insert as follows:

'Sec. 2. The said dam shall not exceed seven feet in height above common low water, and shall contain a convenient

lock for the passage of boats, barges, rafts, and other water craft not less than one hundred feet in length and twenty feet in width, free of toll ; and shall be so constructed as to receive boats in slack water of sufficient depth below the lock, and pass them through the same, for all the purposes of navigation in said river.'

The bill and amendment, on motion of Mr. Britain, were laid upon the table.

The preamble and resolution offered by Mr. Britain on Saturday last, in relation to a road along the shores of Lake Michigan, was adopted.

Mr. Britain gave notice that, on a future day, he would ask leave to bring in a bill to incorporate the Maumee Bank at Manhattan.

Mr. Barry, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Niles and Constantine canal or railroad company.

Messrs. Barry, Rumsey and Hough, were appointed a committee to bring in said bill.

Mr. Hough laid the following resolution on the table:

*Resolved*, That upon the call of the senate made by any member, if such call be supported by a majority of the members present, the sergeant-at-arms shall be sent after all or any of the absent members ; and if such absent member or members shall not be excused by the senate for such absence, he or they shall forfeit three dollars per day for the terms of such absence, to be deducted from their pay as members, and shall not be entitled to any pay for such absent time.

Mr. Barry gave notice that, at a future day, he should move so to amend the rules of the senate, that all sessions on executive business be held with doors open, free for the usual ingress and egress of spectators.

Mr. Comstock gave notice of a motion for leave, on a future day, to bring in a bill to incorporate a bank at Toledo ; and also to incorporate the Commercial Bank at Havre, on the Maumee Bay, in the county of Monroe.



The senate took up the consideration of the following resolution:

*Resolved*, That the judiciary committee be instructed to report a bill authorizing the appointment of two persons distinguished for their legal attainments, and not members of the legislature, to draw up a code of laws for the state of Michigan, and report the same to the legislature at its next session.

Mr. Hough moved to strike out the word 'two' and insert 'one or more,' which was lost.

Mr. Moody moved to strike out the words 'not members of the legislature.'

And the resolution, on motion of Mr. Hough, was committed to committee of the whole, and made the order of the day for to-morrow.

On motion of Mr. Hascall,

The following resolution, previously laid on the table, was adopted :

*Resolved*, That the committee on state affairs be instructed to inquire into the expediency of laying out and constructing a state road from Fort Gratiot to the Rapids of Grand river, and report to the senate by bill or otherwise.

The senate, on motion of Mr. Hough, concurred in the report made yesterday from the committee on internal improvements, in regard to memorializing congress for the erection of certain light-houses.

The senate, on motion of Mr. Hough, then went into the consideration of executive business.

The senate, on motion of Mr. Barry, adjourned; when the doors were opened.

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THURSDAY, Feb. 25, 1836.

The senate met pursuant to adjournment.

Mr. Comstock presented the petition of N. O. Sargent and others, for the incorporation of the Grand river bank, in

the county of Kent: referred to the committee on incorporations.

Mr. Hascall from the committee on towns and counties, to whom had been referred a petition of the inhabitants of the county of Genessee, reported a bill entitled 'a bill to organize a township in the county of Genessee, which bill was read a first and second time, and ordered to be engrossed for third reading.

Mr. Hascall, from the same committee to whom had been referred the bill read the third time, entitled 'a bill to attach the county of Midland to the county of Saganaw for judicial purposes,'—reported as an amendment, a substitute for said bill, a bill entitled 'a bill to extend the jurisdiction of Saganaw county,' which was concurred in; and the bill passed.

Mr. Davis from the committee on roads and bridges, to whom had been referred the bill from the house of representatives entitled 'a bill to authorize the building of a bridge over the river St Joseph at the village of Niles in the county of Berrien,—reported as an amendment, a substitute, entitled 'a bill to authorize the building of a bridge over the river St. Joseph, in the village of Niles, at the foot of Main street, in Berrien county;' which substitute was adopted.

On motion of Mr. Britain, the following proviso was added to section 5: And provided further, Said rules regulating the passage over said bridge, shall be legibly published upon a sign placed and continued in some conspicuous place upon each end of said bridge,' and the bill was ordered to a third reading.

A message was received from the executive, through the secretary of state, as follows :

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state, the following acts, viz:

'An act to authorize the governor to employ counsel in the case of Lewis Brown;'

And 'an act changing the name of Benjamin B. Hoar to Benjamin Hobert.'

STEVENS T. MASON.

February 25, 1836.'

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Maumee Bank at Manhattan; and Messrs. Britain, Rumsey and Ten Eyck were appointed a committee to bring in said bill.

Mr. Barry, in pursuance of previous notice, in behalf of the minority of the senate, submitted a protest against present legislation, which was read and ordered to be entered on the journal of the senate.

Mr. McDonell moved a reconsideration of the vote on entering the protest on the journal; which motion prevailed: and the question being on ordering the protest to be entered on the journal,

Mr. McDonell moved that the protest be laid on the table and printed, which motion was concurred in by yeas and nays, as follows:

Yeas—Messrs. Britain, Davis, Finch, Hough, McDonell, Moody, Rumsey, Ten Eyck—8.

Nays—Messrs. Barry, Clark, Comstock, Hascall—4.

(*See Senate document No. 8.*)

Mr. Hough gave notice that he would at some future day ask leave to bring in a bill requiring the publication of notices in certain cases.

The bill entitled 'A bill to alter the name of the township of Arcadia,' being read a third time, on motion of Mr. Comstock, (the amendment being received by consent of a majority,) the bill was amended by striking out 'passage of this act,' and inserting 'thirty-first day of March next;' and also by inserting after 'Kalamazoo' where it occurs the last time, as follows: 'and also the name of the village of Bronson, changed and hereafter known and called Kalamazoo;' and the bill so amended, then passed the senate. And the title on motion of Mr.

Barry, amended by adding thereto, 'and the village of Bronson.'

Mr. Barry from the committee on enrolment, reported as correctly engrossed, a bill entitled, 'a bill to extend the jurisdiction of Saginaw county,' and 'a resolution relative to a lake road along the shore of lake Michigan,' and 'a resolution relative to university lands.'

The bill from the house of representatives entitled 'a bill to authorize the building of a dam across the Grand river,' being read a third time, was, on motion of Mr. Britain, (the amendments being received for discussion by consent of a majority) amended by adding to section 2, as follows: 'and so constructed as to receive boats in slack water of sufficient depth below the dam, and to pass them to slack water of sufficient depth above said dam, for all the purposes of the navigation of said river, at all times after the building of said dam shall have been so far prosecuted as to obstruct the navigation of said river;' and by striking out in section 5, all after 'said river,' and inserting the word 'further' before 'improvement' in said section. And the bill as amended then passed.

A message from the house of representatives was received returning without amendment, the bill entitled 'a bill to vacate the seat of justice in the county of Shiawassee,' and with an amendment, the bill entitled, 'a bill to provide for establishing seats of justice.'

The bill from the house of representatives entitled 'a bill authorizing John M. Barbour and others to build a dam across the St. Joseph river at Bertrand,' being read a third time, was, on motion of Mr. Britain, (the amendment being received by consent of a majority) amended by adding to sec. 2, as follows: 'and so constructed as to receive boats in slack water of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam, for all the purposes of the navigation of said river, at all times after the building of said dam shall be so far prosecuted as to obstruct the navigation of said river.'

And the bill as amended passed the senate.

The senate then went into committee of the whole, Mr. Hough in the chair, on the bill entitled 'a bill to organize the supreme court and establish circuit courts;' and after some time spent in the discussion of said bill, the committee rose, and through their chairman, reported progress therein, and asked leave to sit again, which was granted.

Mr. Barry from the committee on enrolment, reported as correctly engrossed, the bill entitled 'a bill to alter the name of the township of Arcadia, and the village of Bronson;' as also the amendments to the bills from the house of representatives entitled 'a bill to authorize John M. Barbour and others to build a dam across the St. Joseph river at Bertrand;'—and 'a bill to authorize the building of a dam across the Grand river.'

The senate, on motion of Mr. Hough, then went into executive session.

When the doors were opened,

Mr. Hascall gave notice that on a future day he would ask leave to bring in a bill to provide for the payment of the militia in supporting the supremacy of the laws of the late territory of Michigan, and for other purposes.

And the senate adjourned.

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FRIDAY, February 26th, 1836.

The senate met pursuant to adjournment.

Mr. Barry, from the committee on enrolment, reported as correctly enrolled the bill entitled 'An act to vacate the seat of justice of the county of Shiawassee.'

Mr. Comstock presented a remonstrance against the petition of Ralph Updike and others; read and referred to the committee on the judiciary.

The senate, on motion of Mr. Hough, concurred in the amendment made in the house of representatives to the bill entitled 'A bill to provide for establishing seats of justice.'

Mr. Hough, in pursuance of previous notice, asked and

obtained leave to bring in a bill requiring the publication of notices in certain cases; and

Messrs. Hough, Ten Eyck and McDonell were appointed a committee to bring in said bill.

Mr. Hascall submitted the following preamble and resolutions, which were adopted:

*Whereas*, It is important to the northern part of the state of Michigan, that the obstructions be removed from the navigable waters of the Maple, Shiawassee, Flint and Cass rivers; and whereas, were the obstructions removed from said streams, small steamboats would be able to ascend for many miles; and whereas by a small comparative expense the waters of the Maple and Shiawassee can be connected by railroad or canal, and thereby bring into market large tracts of government lands, and convert what is now a wilderness into the most flourishing part of the northern section of the state of Michigan—Therefore

*Resolved by the senate and house of representatives of the state of Michigan*, That our senators and representatives in congress be, and they are hereby, requested to use their exertions to obtain from congress, at its present session, an appropriation, either in money or lands, sufficient to effect the object.

*Resolved*, That the secretary of state be instructed to transmit a copy of these resolutions to our senators and representative in the congress of the United States.

Mr. Hascall, in pursuance of previous notice, asked and obtained leave to bring in a bill to provide for the payment of the militia in supporting the supremacy of the laws of Michigan; and,

Messrs. Hascall, Clark and Moody, were appointed a committee to bring in said bill.

The bill entitled 'A bill to organize a township in the county of Genessee,' was read a third time and passed.

The bill, yesterday adopted as a substitute for the bill from the house of representatives, which substitute was entitled

'A bill to authorize the building of a bridge over the river St. Joseph in the village of Niles, in the county of Berrien,' was read a third time, and the question being on the final passage of the bill, the yeas and nays, were as follows:

Yeas—Messrs. Barry, Britain, Clark, Comstock, Davis, Finch, Hough, McDonell, Rumsey, Ten Eyck—10.

Nays—0.

A question of order arising as to the construction of the two-thirds of each house, required by the constitution, (Art. XII. sec. 2,) to pass acts of incorporations; viz: whether was intended two-thirds of the members *elected*, or two-thirds of the members *present*, the question on said point of order, at the suggestion of the chair, was, on motion of Mr. Barry, postponed until to-morrow: and the bill, on motion of Mr. McDonell, was laid on the table.

The senate then resolved itself into committee of the whole, Mr. Hough in the chair, on the unfinished business of yesterday, being a bill entitled 'A bill to organize the supreme court and to establish circuit courts;' and after some time spent in the discussion of said bill, the committee rose, and, through their chairman, reported the same back with amendments.

On motion of Mr. Hascall,

Said bill and amendments were re-committed to the committee on the judiciary.

The president announced a communication from Levi Cook, declining the office of treasurer; which being read, Mr. Hascall moved that said communication be spread upon the journal of the senate;

Mr. Ten Eyck moved that the communication be laid on the table, which motion prevailed.

Mr. McDonell offered the following resolution, which, the blanks being filled, on motion of Mr. Barry, with '27th' 'Feb. inst.' '12,' was adopted as follows:

*Resolved by the senate and house of representatives of the State of Michigan, That the members of both houses of the legislature will meet on the 27th day of February instant, at*

2 o'clock, in the hall of the house of representatives, and proceed to elect a state treasurer, in the room of Levi Cook, who declines that office.

Mr. Barry from the committee on enrolment, reported as correctly enrolled, the bill entitled 'A bill to organize a township in the county of Genesee,' and 'A resolution relative to an appropriation for improvements in certain rivers.'

Mr. Hascall, from the committee appointed for that purpose, brought in a bill entitled 'A bill to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan, and for other purposes;' which bill was read a first time, laid on the table and ordered to be printed.

Mr. Hough, from the select committee appointed for that purpose, brought in a bill entitled 'A bill requiring the publication of notices in certain cases,' which bill was also read a first time, laid on the table and ordered to be printed.

Mr. Barry, in pursuance of previous notice, submitted the following resolution, rescinding one of the standing rules of the senate :

*Ordered*, That the twenty-seventh rule of the senate be and the same is hereby repealed and abolished; and that all sessions upon executive business be hereafter held with doors open, free for the usual ingress and egress of spectators.

Said resolution was not adopted, two-thirds not voting in the affirmative, the yeas and nays being as follows:

Yeas—Messrs. Barry, Britain, Comstock, Davis, Hascall, Rumsey—6.

Nays—Messrs. Finch, Hough, McDonell, Moody, Ten Eyck—5.

A message from the house of representatives was received, informing the senate of their concurrence in the resolution relative to university lands; and also transmitting to the senate a resolution relative to forwarding copies of the above resolution to our senators and representative in congress;—in which last resolution the senate concurred.



A bill was also received from the house of representatives which had passed that body, entitled 'A bill providing for arranging, preparing and digesting a code of laws,' which bill was read a first time, and by consent of three-fourths a second time, and on motion of Mr. Barry, committed to committee of the whole, and made the special order of the day for to-morrow.

Mr. Britain gave notice that he would on a future day ask leave to bring in a bill to incorporate the stockholders of the Tremainsville forge and iron foundry.

The senate then adjourned.

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SATURDAY, Feb. 27, 1836.

The senate met pursuant to adjournment.

Mr. Davis presented the petition of E. Ingersoll, for authority to build a dam in Grand river: read and referred to the committee on internal improvements.

Mr. Barry from the committee on the judiciary, to whom had been referred the petition of Ralph Updyke and others, and a remonstrance against the same, reported said bill back to the senate, with instructions from the committee to ask that said petitioners have leave to withdraw their petition; which leave was granted.

Mr. Hough from the committee on incorporations, to whom was referred the petition of sundry citizens of White Pigeon, for the incorporation of a manual labor college, reported the same back to the senate, and asked to be discharged from the further consideration of the subject, and that the same be referred to the committee on literature.

Whereupon the committee was discharged, and the petition so referred.

Mr. Britain from the select committee appointed for that purpose, brought in a bill entitled 'a bill to incorporate the stockholders of the Manhattan bank;' which bill was read a first time, and by consent of three-fourths, a second time, and

on motion of Mr. Britain, laid on the table and ordered to be printed.

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Tremainville forge and iron foundry; and Messrs. Britain, Rumsey, and Hough, were appointed a committee to bring in said bill.

Mr. Barry from the committee on enrolment, reported as correctly engrossed, 'a resolution relative to the election of treasurer.'

On motion,

Mr. McDonell was appointed an additional member of the committee on expenditures.

On motion of Mr. Rumsey,

*Resolved*, That the committee on state prisons, be instructed to inquire what provision can be made for the erection of a penitentiary for the state of Michigan, and that they have liberty to memorialize congress for one township of land, to be located in sections, to aid in constructing the same.

The resolution in relation to a call from the senate, laid on the table by Mr. Hough on the 24th instant, being taken up, Mr. Hough offered the following amendment, as a substitute, which was adopted.

*Resolved*, That upon a call from the senate, by any member, if such call shall be supported by a majority of the members present, they are authorized to send the sergeant-at-arms or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non attendance shall be made as the senate, when a quorum is convened, shall judge sufficient; and in that case the expense shall be paid out of the contingent fund: and such absent members, shall not be entitled to receive pay for the time of their absence.

The protest of the minority of the senate being taken up, Mr. Britain offered the following resolution, which was adopted :

*Resolve 1*, That the protest of Messrs. Barry, Clarke, Stockton, Comstock, and Ellis, presented on the 26th instant, inasmuch as it does not purport to be their protest 'against any act or resolution' of the senate, does not entitle them, under the constitution, to have the reasons of their dissent entered on the journals of the senate, yet that the senate, as an act of courtesy, do assent that the same may be entered upon the journals.

(See Senate document No. 8.)

The unfinished business of the day, being the question on the construction of the two-thirds of each house required by the constitution to pass acts of incorporation, the president announced the construction which the chair after review of the Journal of the Convention would consider the proper construction, would be that the two-thirds required was two-thirds of the members present, and the chair therefore declared the bill entitled 'A bill to authorize the building of a bridge over the river St. Joseph, in the village of Niles, in Berrien county;' passed.

And the title, on motion of Mr. Hough, was amended by striking out said title and inserting instead thereof, 'A bill to incorporate the Niles Main-street Free Bridge Company.'

The report of the select committee on the abolition of slavery, having been taken up, Mr. Hough moved a re-consideration of the vote on adopting the amendment to insert after the word 'abolitionists' in the third resolution, as follows: 'in contravention of the constitution of the United States;' and the vote was so reconsidered.

The question being on the adoption of said amendment, the senate, on motion of Mr. Barry went into committee of the whole, Mr. Rumsey in the chair on said report and amendment; and after some time spent thereon, the committee rose and through their chairman reported the same back with an amendment, in which they asked the concurrence of the senate.

The senate concurred in said amendment, being to insert

after the word 'abolitionists' in the third resolution, the words 'in the non-slaveholding states, having for their object an interference with the rights of the slave holders. And the report as now amended was adopted.

The consideration of the bill entitled, 'A bill amendatory to the acts herein recited, &c.,' was, on motion of Mr. McDonell, postponed; and the bill made the special order of the day for Monday next.

Mr. McDonell asked leave of absence for Mr. Rumsey until Wednesday next; which was granted.

The senate then went into committee of the whole, Mr. Britain in the chair, on the bill from the house of representatives entitled 'A bill providing for preparing, digesting, and arranging a code of laws.'

And after some time spent thereon, the committee rose, and through their chairman reported the same back to the senate with an amendment, in which they asked the concurrence of the senate; and the senate thereupon concurred in said amendment.

The third section, on motion of Mr. Barry, was stricken out, and the bill then read a third time:

Thereafter the following amendment, offered by Mr. Barry, being received by a majority, was adopted, viz: in section 2, to strike out, lines 4 and 5, 'to be paid' and insert, line 5, after 'payments,' 'to be audited,' and line 6, after the word 'Executive,' 'to be paid.'

The following amendment, offered by Mr. Hough, being also received by a majority, was adopted, viz: to insert, section 2, last line, before 'session,' the word 'annual.'

And the bill so amended then passed.

And the resolution relative to the appointment of commissioners to prepare a code of laws, was indefinitely postponed.

A message from the Executive was received through the secretary of state, as follows:

*To the senate—*

I have this day approved and filed in the office of the sec-

retary of state, an act, entitled 'An act to vacate the seat of justice in the county of Shiawassee.'

STEVENS T. MASON.

February 26, 1836.'

Mr. Hascall presented a petition for the extension of the corporate limits of the city of Detroit; read and referred to the committee on incorporations.

Mr. Barry, from the committee on enrolment, reported, as correctly engrossed, the bill entitled 'A bill to incorporate the Niles Main-street Free Bridge Company.'

The senate then adjourned.

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MONDAY, Feb. 29, 1836.

The senate met pursuant to adjournment.

The president announced a communication from Mr. Hascall, asking leave of absence for three weeks.

The question being put on granting leave, was, on motion of Mr. Britain, postponed until to-morrow.

Mr. Barry, from the committee on enrolment, reported, as correctly engrossed, the amendments to the bill from the house of representatives, entitled 'A bill for preparing, digesting and arranging a code of laws;' and also the 'Report on so much of the Governor's message as relates to the abolition of slavery.'

Mr. Comstock, from the committee on literature, to whom was referred the petition of sundry inhabitants of White Pigeon, with the draft of a bill for the establishment of Marshall College, reported that they had had the same under consideration, and given the subject that attention which its importance demands.

Your committee are of opinion that it would be premature at this time, if not unwise, to grant numerous charters for the establishment of colleges and universities, and especially one which contains (in the draft of the bill) provisions and requires the privilege of holding funds to the amount of one

hundred and fifty thousand dollars, buying property, real, personal and mixed, selling and disposing of the same without limitation, with perpetual succession in law and in deed.

Your committee are unanimously of opinion that the establishment of the university (with its branches, where required) as contemplated by the constitution, with the aid and means afforded by the general government and the endowments of the state would subserve all the wants of the people, and place the institution above all pecuniary embarrassments and sectional jealousies.

Your committee beg leave to be discharged from a further consideration of the subject, and that leave be granted to the petitioners to withdraw their petitions.

And the committee was thereupon so discharged, and leave granted to the petitioners to withdraw their petitions.

On motion of Mr. Hough,

*Resolved*, That the secretary of the senate each morning after the senate is called to order by the president, shall proceed to call over the names of the members of the senate, and all members not then answering to their names or appearing that day, unless having leave of absence, or excused by a majority of the members present, shall forfeit their daily pay, and the secretary is hereby directed to keep a journal of all such proceedings.

Mr. McDonell moved that Mr. Hough have leave of absence for three weeks.

On motion of Mr. Barry,

The question on granting leave, was postponed until tomorrow.

Mr. Comstock offered the following resolution:

*Resolved*, That the senate will not entertain or act upon any subjects of legislation which require any privileges or acts of incorporation within the limits of any portion of the state which may hereafter be given to another state.

Mr. Hough moved that the consideration of said resolution be postponed until the first Monday of January, 1900; which

was lost : and the resolution, on motion of Mr. Davis, was indefinitely postponed, by yeas and nays, as follows:

Yeas—Messrs. Britain, Clark, Davis, Finch, Hough, McDonell—5.

Nays—Messrs. Barry, Comstock, Ten Eyck—3.

The special orders of the day, on motion of Mr. McDonell, were laid on the table until to-morrow.

A resolution previously offered by Mr. McDonell, to instruct the judiciary committee to report a bill in relation to town and county officers, being taken up.

On motion of Mr. Barry,

The 'committee on town and counties' was substituted for the judiciary committee, and the word 'organizing' stricken out, and the words 'providing for the election and appointment of' inserted: and the resolution so amended was adopted, as follows :

*Resolved*, That the committee on towns and counties be instructed to report a bill providing for the election and appointment of all township and county officers, in conformity with the sixth and seventh articles of the constitution of this state, and to define the powers and duties of such officers.

Mr. Barry, from the committee on enrolment, reported, as correctly enrolled, the bill entitled 'An act to provide for the establishing seats of justice,' and a 'Resolution in relation to university lands.'

A message from the house of representatives was received through their clerk, as follows:

'Mr. President :

I am directed by the house of representatives to inform the senate of their concurrence in the bill transmitted from the senate, entitled 'A bill to organize a township in the county of Genessee;'

Also their concurrence in the 'resolution relative to an appropriation for the improvement of certain rivers, &c.;'

I also forward to the senate a 'resolution relative to memo-

rializing the post-master general to establish daily mails on certain routes;'

Also a 'Resolution relative to an appropriation for the improvement of certain rivers.'

The senate, on motion of Mr. Barry, concurred in the above resolution, relative to an appropriation for the improvement of certain rivers, being as follows:

*Resolved*, (if the senate concur) That the representatives of the state of Michigan to congress be, and they are hereby instructed to use their exertions in getting an appropriation from the general government for improving the navigation of the St. Joseph and Kalamazoo rivers.

The resolution for a joint committee to memorialize the Hon. Postmaster General for daily mails, in lieu of tri-weekly, on certain routes, was, on motion of Mr. Clark, laid on the table.

The enrolled bill entitled 'An act to provide for establishing seats of justice,' and the enrolled 'Resolution in relation to university lands,' were presented to the governor for his signature.

And the senate then adjourned.

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TUESDAY, March 1, 1836.

The senate met pursuant to adjournment.

The roll being called the following members were absent without leave:—

Messrs. Durocher, Hascall, Stockton.

A message from the house of representatives was announced, informing the senate of their concurrence in the following bills from the senate viz:

'A bill to change the name of Patrick Doyle to William Doyle.'

'A bill to alter the name of the township of Arcadia and the village of Bronson,' and

'A bill to extend the jurisdiction of Saganaw county;' and that they had passed the resolution from the senate, in rela-



tion to election of state treasurer, with an amendment, substituting 'March 1st,' for 'Feb. 27th.'

And the senate, on motion of Barry, concurred in said amendment.

Mr. Comstock presented the petition of Benjamin S. Walcott and others for a woollen manufacturing company, which being read, Mr. Comstock moved its reference to a select committee of three which was lost; and the petition, on motion of Mr. Hough, was referred to the committee on manufactures.

Mr. Moody presented the petition of Daniel S. Crowell and others for a subdivision of that part of Jackson county east of the meridian into townships of six miles east and west, and eight miles north and south: referred to the committee on towns and counties.

Mr. Barry from the committee on the judiciary, reported back to the senate, with amendments, the bill entitled 'a bill to organize the supreme court and to establish circuit courts;' which amendments were concurred in: and the bill as amended, laid on the table and ordered to be printed.

Mr. Comstock from the committee on literature, to whom had been referred the bill defining the powers and duties of superintendent of public instruction, reported the same back to the senate with an amendment proposing to strike out section 2 and 3, and to insert two additional sections in lieu thereof: on motion of Mr. Ellis, the bill and amendment were laid on the table and ordered to be printed.

Mr. Hough, from the select committee on so much of the governor's message as relates to the election of electors of president and vice president, brought in a bill entitled 'A bill to provide for, and regulate the election of electors of president and vice president,' which bill being read a first time, and by consent of three-fourths a second time, was laid on the table and ordered to be printed.

Mr. Davis from the committee on roads and bridges, who had been instructed to inquire into the expediency of appoin-

ting state and county road commissioners, brought in a bill entitled 'A bill defining the powers and duties of state and county road commissioners:' which bill being read a first time and by consent of three-fourths a second time, was laid on the table and ordered to be printed.

Mr McDonell submitted the following resolution, and moved that it be committed to the committee of the whole, and made the special order of the day for Friday next; which was agreed to.

*Resolved, by the senate and house of representatives, That the person appointed to revise the laws, be instructed to prepare a bill providing for the election of three county commissioners in each of the organized counties and defining their duties, giving to them the powers and duties now performed by supervisors; also a bill providing for the election of county collectors, and defining their duties.*

On motion of Mr. Comstock,

*Resolved, That the committee on internal improvements be instructed to inquire into the expediency of laying out and establishing a state road from Bronson in Kalamazoo county to the mouth of South Black river, in the county of Van Buren, and report by bill or otherwise.*

The unfinished business of yesterday, being the question on granting leave of absence for three weeks to Messrs. Hascall and Hough; and a division of the question being called for, the question, on granting leave to each, was lost.

The special order of the day being the bill entitled 'A bill amendatory to the acts herein recited,' &c. was made the special order of the day for Thursday next.

The bill entitled 'a bill requiring the publication of notices in certain cases,' being read a second time, the first section, on motion of Mr. Ellis, was amended by inserting line 2, after 'county' the word 'township:' on motion of Mr. Britain, after the word 'effect' line 13, was inserted as follows, 'or by posting up in three places in said county, notices of such intended application:' the word 'or' in said amendment was

altered to 'and:' on motion of Mr. Ellis, the words 'within three months' were inserted after the word 'or' line 10: on motion of Mr. Britain, the word 'six' line 10, was stricken out: Mr. Ellis moved to fill the blank by 'three;' Mr. Hough with 'four,' and the blank was so filled: on motion of Mr. Barry, the words 'within three months' line 10, were stricken out, and the words 'at least three months next' inserted before 'immediately' in said line; Mr. Comstock moved to commit the bill as amended to the committee on the judiciary, which was lost: and on motion of Mr. Comstock, the vote on inserting line 10, 'at least three months next' was reconsidered, and the amendment then lost.

The senate, on motion of Mr. Comstock, then went into committee of the whole, on said bill, Mr. Barry in the chair, and after some spent time thereon, the committee rose, and through their chairman, reported the same back to the senate with amendments, in which they asked the concurrence of the senate.

Whereupon,

The senate concurred in said amendments.

And the bill as amended, was ordered to be engrossed and read a third time to-morrow.

A message from the executive was received through the secretary of state, as follows:

*'To the Senate :*

I have this day approved and filed in the office of the secretary of state, a resolution, entitled 'A resolution in relation to university lands.'

STEVENS T. MASON.

Detroit, March 1, 1836.'

A committee from the house of representatives was announced, who informed the senate that the house was now ready to proceed to the election of state treasurer, and that they had been appointed a committee to conduct the senate to the hall of the house of representatives.

The senate, on motion of Mr. Barry, then proceeded to the hall of the house of representatives.

The senate having returned to their chamber, the president announced that the two houses of the legislature had proceeded in joint convention to elect a state treasurer, and that the vote stood as follows:

For Henry Howard—(S.) Messrs. Barry, Britain, Clark, Comstock, Davis, Ellis, Finch, McDonell, Moody, Ten Eyck—(H.R.) Messrs. Alden, Brewer, Brown, Bradshaw, Britton, Burdick, Charter, Crossman, Dodge, Ely, Felch, Ferrington, Hutchins, O. Howe, Higley, Heath, Hart, Lothrop, Mead, Morse, Noyes, Niles, Richardson, Sherman, Strong, Summers, Tacles, Ullman, Van Every, Wheeler, Whipple, Speaker—42.

For Alpheus White—(S.) Mr. Hough—(H.R.) Mr. Odell—2.

And that Henry Howard had therefore been declared duly elected state treasurer.

On motion of Mr. McDonell,

*Ordered*, That the secretary of the senate inform Mr. Howard of his election as state treasurer.

On motion of Mr. Ellis,

*Ordered*, That the proceedings in joint convention be spread on the journals of the senate.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, four bills, which had passed both houses, entitled as follows :

‘An act to alter the name of the township of Arcadia and the village of Bronson;’

‘An act to extend the jurisdiction of Saginaw county;’

‘An act to organize a township in the county of Genessee;’

‘An act to change the name of Patrick Doyle to William Doyle.’

Mr. McDonell gave notice that on a future day he would ask leave to bring in a bill amendatory to an act entitled ‘An act relative to the duties and privileges of townships.’

Mr. Britain laid the following preamble and resolution on the table :

Whereas the unparalleled accession to the population of Michigan and of that portion of the west which must necessarily be supplied by mails passing through said state, requires from the post-office department a corresponding increase of facilities for the transportation of the mail, and whereas the mail is now transported three times a week from Detroit to Chicago upon the Chicago road for the moderate sum of \$4000, and also three times a week from Detroit to St. Joseph upon the great territorial road for the moderate sum of \$3000, which taken in connection with a bid already made to the department to extend the same across lake Michigan for \$1000, (making but \$4000 for its tri-weekly transportation from Detroit to Chicago, upon the territorial road) and also making but \$8000 for its tri-weekly transportation upon both routes, and whereas from the above data it will be seen that a daily mail upon each of the above routes carried at pro rata allowance would cost the department the moderate sum of \$16,000 only. Therefore,

*Resolved by the senate and house of representatives of the state of Michigan,* That our senators in congress be instructed and our representative requested to use their exertions to obtain from the Postmaster general an arrangement requiring the present contracts to transport the mails daily upon the routes from Detroit to Chicago, upon the Chicago road, and also upon the routes from Detroit to Chicago, via. St. Joseph upon the great territorial road, and that not more than three days be allowed for transporting the mail from Detroit to St. Joseph upon the last named routes.

*Resolved,* That the secretary of state be and he is hereby required to transmit a copy of these resolutions to the Postmaster general, also to each of our senators and representative in congress.

The senate then adjourned.

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WEDNESDAY, March 2, 1836.

The senate met, pursuant to adjournment.

The roll being called, the following members were absent without leave:

Messrs. Durocher, Hascall, Stockton.

Mr. Comstock, from a select committee appointed for that purpose, brought in a bill entitled 'A bill to create a fund for the benefit of the creditors of certain moneyed corporations;' which being read a first time, and by consent of three-fourths a second time, was committed to the committee on incorporations.

Mr. Barry, from the committee on the judiciary to whom had been referred the bill from the house of representatives, entitled 'A bill to provide for laying out and recording town plats, and for other purposes,' reported the same back to the senate; and on motion of Mr. McDonell, the bill was laid on the table.

On motion of Mr. Britain,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of recognizing by law the insolvent laws of other states; and said committee be authorized to report by bill or otherwise.

Mr. Hough gave notice that to-morrow he would offer an amendment to the 31st standing rule of the senate.

The four enrolled bills, entitled as follows, were presented to the governor for his signature :

'An act to alter the name of the township of Arcadia and the village of Bronson;'

'An act to extend the jurisdiction of Saginaw county;'

'An act to organize a township in the county of Genessee;'

'An act to change the name of Patrick Doyle to William Doyle.'

Mr. McDonell, in pursuance of previous notice, asked and obtained leave to bring in a bill amendatory to an act relative to the duties and privileges of townships; and

Messrs. McDonell, Ellis and Britain were appointed a committee to bring in said bill.

Mr. McDonell, from said committee, brought in a bill entitled 'A bill amendatory to an act entitled an act relative to the duties and privileges of townships, approved the 17th of April, 1833;' which bill being read a first time, and by consent of three-fourths a second time, was committed to the committee on towns and counties.

The engrossed bill entitled 'A bill requiring the publication of notices in certain cases,' was read a third time and passed,

The bill entitled 'A bill to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan, and for other purposes,' being read a second time,

Mr. Barry moved its reference to a select committee of five, to consist of one member from each senatorial district.

Mr. Britain moved that the bill be laid on the table; which motion prevailed by yeas and nays, as follows:

Yeas—Messrs. Britain, Davis, Finch, Hough, McDonell, Moody, Rumsey—7.

Nays—Messrs. Barry, Clark, Comstock, Ellis—4.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the bill entitled 'A bill requiring the publication of notices in certain cases.'

The resolution relative to a daily mail on certain routes, offered yesterday by Mr. Britain, being taken up, Mr. Britain moved the adoption of the joint resolution from the house of representatives for a joint committee to memorialize the Hon. Postmaster General for daily, instead of tri-weekly mails, on certain routes; and said joint resolution was thereupon adopted; and the resolution, offered by Mr. Britain, was, on motion of Mr. Britain, again laid on the table.

Mr. McDonell asked and obtained leave of absence for Mr. Ten Eyck for this day.

Mr. McDonell laid the following resolution on the table;

*Resolved*, That all bills and joint resolutions that are general in their character, shall take precedence in the orders of the day over all other business, whether special or otherwise.

A message was received from the executive, through the secretary of state, as follows :

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state, the following acts, viz:

'An act to change the name of Patrick Doyle to William Doyle;'

'An act to alter the name of the township of Arcadia and the village of Bronson;'

'An act to extend the jurisdiction of Saginaw county;'

And 'An act to organize a township in the county of Genesee.'

STEVENS T. MASON.

March 2, 1836.'

And the senate adjourned.

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THURSDAY, March 3, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent without leave:

Messrs. Durocher, Hascall.

Mr. McDonell asked and obtained leave of absence for Mr. Ten Eyck, for to-day.

Mr. Clark asked and obtained leave of absence for Mr. Stockton, for one week from Monday last.

Mr. Hough presented the petition of William Camburn and others of Lenawee county, for the incorporation of the 'Franklin Steam Saw-Mill company;' read and referred to the committee on incorporations.

Mr. Comstock presented the petition of John A. Rucker and others, to charter a ferry company; read and referred to the committee on incorporations.



Mr. Rumsey, from the committee on internal improvements, brought in a bill entitled 'A bill to lay out a state road from Bronson to the mouth of South Black river;' which being read a first time, and by consent of three-fourths of the senate a second time, was committed to the committee of the whole, and made the special order of the day for to-morrow.

Mr. Hough, in pursuance of previous notice, moved to amend the 31st standing rule of the senate, by adding thereto as follows: 'governor, state officers, and members of the house of representatives, excepted;' which was adopted, two-thirds voting in favor of said amendment.

Mr. Hough submitted a resolution, which being amended, on motion of Mr. Clark, by inserting after the word 'maps' 'and also one of Farmer's late maps of the state of Michigan,' was adopted as follows:

*Resolved*, That the secretary of state be authorized to procure, for the senate, one of Michell's large maps; and also one of Farmer's late maps of the state of Michigan at the expense of the state.

Mr. Rumsey gave notice that he would on some future day, ask leave to bring in a bill to organize the stockholders of the woolen manufacturing company of Ann Arbor, in the county of Washtenaw.

Mr. Comstock, in pursuance of previous notice, asked and obtained leave to bring in a bill to construct a canal from the Huron river to Truago.

And Messrs. Comstock, Finch, and Davis, were appointed a committee to bring in said bill.

On motion of Mr. McDonell,

Mr. Ellis was appointed an additional member on the committee on towns and counties.

On motion of Mr. McDonell,

The special order of the day was postponed, for the purpose of taking up the bill to organize the supreme court and establish circuit courts.

And the senate, on motion of Mr. Barry, then resolved it-

self into the committee of the whole, on said bill, Mr. Rumsey in the chair; and, after some time spent in debate thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

A message from the house of representatives was received informing the senate of their concurrence in the amendments made by the senate to the second section of the bill providing for preparing, digesting and arranging a code of laws;—and of their non-concurrence in the amendment to strike out third section; also transmitting certain amendments made in the house to the 'report on the abolition of slavery;' and informing the senate of their concurrence in the amendments made to the resolution relative to memorializing the post-master general; and in the resolution relative to a lake road along the shore of lake Michigan; and returning to the senate, with an amendment, the bill entitled 'A bill to organize the county of Genesee.'

Mr. Davis asked and obtained leave of absence, until Monday next.

Mr. Moody asked leave of absence for two days : whereupon,

The senate adjourned.

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FRIDAY, March 4th, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were found to be absent without leave:

Messrs. Comstock, Durocher, Hascall.

Mr. Clark asked and obtained leave of absence from to-day until Tuesday next.

Mr. Moody asked and obtained leave of absence for to-morrow.

Mr. Barry presented the petition of citizens of Cass and St. Joseph counties for a state road from Constantine to St. Joseph: referred to the committee on roads and bridges.

The message received from the house of representatives,

being taken up, the question being on receding from the amendment made by the senate, to strike out sec. 3, in the bill entitled 'A bill providing for preparing, digesting and arranging a code of laws;'

Mr. Hough moved that the senate recede from their amendment, which was carried in the affirmative by yeas and nays, as follows:

Yeas—Messrs. Britain, Hough, McDonell, Moody, Rumsey Ten Eyck—6.

Nays—Messrs. Barry, Clarke, Ellis, Finch—4.

The amendments made by the house to the report of the select committee of the senate, on so much of the governors' message as related to the abolition of slavery, being taken up, were severally concurred in.

And the senate also concurred in the amendments made by the house of representatives to the bill entitled 'A bill to organize the county of Genesee.'

On motion of Mr. Barry,

A call of the senate being made, the following members were present:

Messrs. Barry, Britain, Clark, Ellis, Finch, Hough, McDonell, Moody, Rumsey, Ten Eyck.

Absent on leave, Messrs. Davis, Raynale, Stockton.

Absent without leave, Messrs. Comstock, Durocher, Hascall; (Mr. Comstock detained by sickness.)

Thereupon, on motion of Mr. Barry,

*Ordered*, That the sergeant-at-arms, or some other person or persons authorized by the senate, be sent for all absent members of the senate, if to be found within the state, in pursuance of the rules of the senate.

Mr. Moody gave notice that he would hereafter ask leave to bring in a bill to incorporate a company for the construction of a railroad from Palmyra in the county of Lenawee through Tecumseh, Clinton, the north branch of the Raisin, and the stone quarry, to Jacksonburgh, the county seat of Jackson county.

The senate then again resolved itself into a committee of the whole, on the bill entitled 'A bill to organize the supreme court and establish circuit courts,' Mr. Rumsey in the chair; and after some time spent in the discussion of said bill, the committee rose, and reported the same back to the senate with amendments, in which they asked the concurrence of the senate; and the senate, on motion of Mr. Barry, concurred in said amendments.

A message was received from the executive, thro' the secretary of state, as follows:

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state, the following acts, viz:—

'An act to authorize the building of a dam across the Grand River.'

'An act to authorize John M. Barbour and others to build a dam across the St. Joseph river at Bertrand.'

'An act to provide for establishing seats of justice.'

STEVENS T. MASON.

March 4, 1836.'

A message from the house of representatives was received, returning the bill entitled 'A bill to extend the limits of the village of St. Joseph, in Berrien county, and for other purposes,' with amendments, in which they asked the concurrence of the senate: and also transmitting bills which had passed the house, entitled 'A bill to vacate the present seat of justice in the county of Lenawee, and establish the same in the village of Adrian, in said county;' 'A bill to incorporate the Allegan and Marshall railroad company;' and 'A bill for the construction of certain roads.'

On motion of Mr. Clark,

*Ordered,* That John Wright be appointed sergeant-at-arms *pro tempore* of the senate, during the absence of Mr. Dexter in going after the absent members of the senate.

And the senate adjourned.

SATURDAY, March 5, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were found to be absent without leave:

Messrs. Durocher, Hascall.

Mr. Britain presented the petition of inhabitants of Mottville, asking the incorporation of an Academy at Mottville; referred to the committee on literature.

Mr. Comstock presented the petition of John W. Wadsworth and others, for a bank in Havre; referred to the committee on incorporations.

Mr. Ellis presented a communication from Dan B. Miller, which was referred to the committee on incorporations.

Mr. Comstock, from the select committee appointed for that purpose, brought in a bill entitled 'A bill to incorporate the Huron canal company,' which being read a first time, and, by consent of three-fourths, a second time, was, together with petitions for said corporation, on motion of Mr. Comstock, referred to the committee on incorporations.

Mr. Hough, from the committee on incorporations, to whom had been referred a bill to incorporate the Michigan Paper manufacturing company—the petition of Wm. Camburn and others, for the incorporation of the Franklin Steam-mill company—the petition of Phineas Davis and others, for an increase of the capital stock of the Black River Steam-mill company—and the petition of John A. Rucker and others, to charter a Ferry across the Detroit river—made a report, which, on motion of Mr. McDonell, was laid on the table for one day.

Mr. Finch, from the committee on towns and counties, to whom had been referred the bill entitled 'A bill amendatory to an act entitled an act relative to the duties and privileges of townships, approved April 17, 1833,' reported the same back to the senate without amendment; and the bill was laid on the table and ordered to be printed.

The amendment made by the house of representatives to the bill entitled 'A bill to extend the limits of the village of St. Joseph, in Berrien county, and for other purposes,' being taken up, the amendments were severally non-concurred in.

On motion of Mr. Britain,

A committee of conference, on the part of the senate, was agreed to.

Messrs. Britain, Ellis and Barry, were appointed the committee.

The bill from the house of representatives, entitled 'A bill to incorporate the Allegan and Marshall railroad company,' was read a first time, and, by consent of three-fourths, a second time, and referred to the committee of the whole.

The bill from the house of representatives, entitled 'A bill to incorporate the Niles and Constantine canal and railroad company,' was also read a first time, and, by consent of three-fourths, a second time.

Whereupon, Mr. Ellis moved its reference to the committee on incorporations, which was lost; and the bill was referred to committee of the whole.

The bill from the house of representatives, entitled 'A bill to vacate the present seat of justice of the county of Lenawee, and establish the same at the village of Adrian in said county,' was read a first time, and, by consent of three-fourths, a second time, and referred to committee of the whole.

The bill from the house of representatives, entitled 'A bill for the construction of certain roads,' was read the first time, and, by consent of three-fourths, a second time; and, on motion of Mr. Britain, referred to a committee of one from each senatorial district.

Messrs. Britain, Rumsey, Ellis, Ten Eyck and Clarke, were appointed that committee.

Mr. Hough offered the following resolution, which, on motion of Mr. McDonell, was laid on the table:

*Resolved*, That when the senate adjourns, it do adjourn to

meet at 9 o'clock on Monday morning ; and that their daily meeting be at that hour, unless otherwise ordered.

Mr. Barry gave notice that, at a future day, he should ask leave to bring in a bill to incorporate the White Pigeon Manual Labor School.

Mr. Ellis gave notice that, on a future day, he would ask leave to bring in a bill to incorporate the stockholders of the Monroe and Ann Arbor railroad company.

Mr. McDonell gave notice that he would, on a future day, ask leave to bring in a bill to incorporate the Detroit and Grand river railroad company.

Mr. Barry submitted the following resolution :

*Resolved by the senate and house of representatives of the state of Michigan,* That the legislature of this state have no power to accept, and therefore cannot accept, from congress, any proposition of admission into the Union, based upon a condition that shall require a relinquishment of any portion of the territory of the state embraced in the constitution.

The resolution, on motion of Mr. Hough, was laid on the table.

The bill entitled 'A bill to provide for and regulate the election of Electors of President and Vice-President,' on motion of Mr. Hough, was made the special order of the day for Monday next.

The bill entitled 'A bill to prescribe the powers and duties of Superintendent of Public Instruction,' being taken up, and the question being on the amendments reported by the committee on literature, the senate, on motion of Mr. Britain, then resolved itself into committee of the whole on said bill, Mr. McDonell in the chair;

And after some time spent thereon, the committee rose and through their chairman reported the bill back with amendments, in which they asked the concurrence of the senate.

And the senate thereupon concurred in said amendments.

Mr. Barry moved to strike out sections two and three, as now adopted, and add to section one, of the bill, as follows:

'And that he shall annually receive for his salary the sum of            dollars, payable quarterly out of any money in the treasury not otherwise appropriated;' which was lost by yeas and nays, as follows:

Yeas—Messrs. Barry, Ellis, McDonell, Ten Eyck—4.

Nays—Messrs. Britain, Comstock, Finch, Hough, Rumsey—5.

On motion of Mr. Comstock,

The bill was then ordered to be engrossed and read a third time on Monday next.

The bill entitled 'A bill to organize the supreme court and to establish circuit courts,' having been taken up, Mr. Ellis moved to strike out in the sixth line, section nine, the word 'Washtenaw,' which was lost; and the bill was ordered to be engrossed for third reading on Monday next.

The senate then adjourned.

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MONDAY, March 7th, 1836.

The senate met pursuant to adjournment.

The roll being called the following members were absent without leave:

Messrs. Durocher, Hascall.

Mr. Barry presented the petition of citizens of Porter township in Cass county, for the organization of town 8 S. range 14 W.; referred to committee on towns and counties.

Mr. Hough, from the committee on incorporations, to whom had been referred the bill entitled, 'A bill to incorporate the Huron canal and manufacturing company,' reported the same back, without amendment; and the bill was laid on the table, and ordered to be printed.

Mr. Hough, from the same committee, to whom had been referred the bill entitled 'A bill to create a safety fund,' reported the same back to the senate without amendment, accompanied with a report; which being read, said bill and report were laid on the table, and ordered to be printed.

(See Senate document No. 9.)



Mr. Barry, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the White Pigeon manual labor school: and

Messrs. Barry, Rumsey and Britain, were appointed a committee to bring in said bill.

Mr. Ellis, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the stockholders of the Monroe and Ann Arbor railroad company: and

Messrs. Ellis, McDonell and Hough were appointed a committee to bring in said bill.

Mr. Comstock gave notice that he would ask leave on a future day to bring in a bill to incorporate a company to construct a railroad from Otsego in Allegan county, to the mouth of south Black river on lake Michigan.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, the bill entitled, 'An act to organize the county of Genesee.'

Mr. Ellis, from the select committee appointed for that purpose, brought in a bill entitled 'A bill to incorporate the stockholders of the Monroe and Ann Arbor railroad company;' which being read a first time, and by consent of three-fourths a second time, was laid on the table and ordered to be printed.

The enrolled bill entitled 'An act to organize the county of Genesee,' was presented to the governor for his signature.

The engrossed bill entitled 'A bill to organize the supreme court and to establish circuit courts,' being read a third time, the senate went into committee of the whole on said bill, Mr. Rumsey in the chair; and after some time spent thereon, the committee rose, and reported the same back with an amendment, which, being received by consent of three-fourths, was concurred in, being to add to section 1, as follows:

'And the judge first appointed shall be the presiding judge of said court; and all writs and process whatever, issued by said court, shall be tested in the name of said presiding judge;

and in case the office of the said presiding judge become vacant, in the name of either of the remaining judges.'

On motion of Mr. Hough,

The amendment being received by consent of three-fourths, the words 'above mentioned,' in section 14th were stricken out.

And the bill then passed the senate.

The engrossed bill entitled 'A bill to prescribe the powers and duties of superintendent of public instruction,' being read a third time,

Mr. Britain moved to amend section 1, by inserting before 'session,' the word 'annual;' and the amendment being received by consent of three-fourths, was adopted.

Mr. Britain moved to amend by striking out the word 'for' in section 3, in the following clause: 'and also for his salary,' and insert 'towards:' which amendment being received for discussion by consent of three-fourths, was lost by yeas and nays, as follows:

Yeas—Messrs. Britain, Comstock, Ellis, Finch, Hough, Moody—5.

Nays—Messrs. Barry, Davis, McDonell, Rumsey, Stockton, Ten Eyck, President—7.

Mr. Hough moved to fill the first blank in section 3, with '200;' Mr. Comstock with '300;' the question being on filling with '300,' was lost by yeas and nays as follows:

Yeas—Messrs. Britain, Comstock, Ellis, Finch, Hough, Moody—6.

Nays—Messrs. Barry, Davis, McDonell, Rumsey, Stockton, Ten Eyck, President—7.

Mr. Comstock then moved to fill the blank with '250;' and the question on so filling the blank, was lost by yeas and nays, as follows:

Yeas—Messrs. Britain, Comstock, Ellis, Finch, Hough, Moody—6.

Nays—Messrs. Barry, Davis, McDonell, Rumsey, Stockton, Ten Eyck, President—7.

And the question on filling said blank with '200' was carried in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Britain, Comstock, Ellis, Finch, Hough, Moody, Rumsey—7.

Nays—Messrs. Barry, Davis, McDonell, Stockton, Ten Eyck—5.

Mr. Comstock moved to fill the second blank, in section 3, with '500;' which was decided in the affirmative, by yeas and nays, as follows :

Yeas—Messrs. Britain, Comstock, Davis, Finch, Hough, Moody, President—7.

Nays—Messrs. Barry, Ellis, McDonell, Rumsey, Stockton, Ten Eyck—6.

Mr. Barry moved to recommit the bill to the committee on literature, with instructions to strike out sections 2 and 3, and to provide for a salary in section 1; which motion prevailed, by yeas and nays, as follows:

Yeas—Messrs. Barry, Davis, Ellis, McDonell, Rumsey, Stockton, Ten Eyck—7.

Nays—Messrs. Britain, Comstock, Finch, Hough, Moody—5.

Mr. Barry, from the committee on enrolment, reported as correctly engrossed the bill entitled 'A bill to organize the supreme court and to establish circuit courts.'

The bill entitled 'A bill amendatory to an act entitled an act relative to the duties and privileges of townships, approved April 17th, 1833,' was taken up and considered, and ordered to a third reading.

Mr. Barry moved a re-consideration of the vote on ordering said bill to a third reading, which was lost.

The senate thereupon went into committee of the whole on the bill entitled 'A bill amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state and county purposes,' Mr. Davis in the chair; and after some time spent in the consideration thereof, the committee

rose and reported the same back to the senate, with amendments in which they asked the concurrence of the senate.

And the senate, on motion of Mr. Barry, concurred in said amendments ;

And the bill, on motion of Mr. McDonell, was ordered to be engrossed for third reading.

The resolution relative to county commissioners, assessor, &c., offered by Mr. McDonell, and made the special order of the day for Friday last, coming up amongst the unfinished business, was laid on the table.

The bill entitled 'A bill to lay out and establish a state road from Bronson to the mouth of South Black river,' (the vote to commit to committee of the whole, on motion of Mr. Barry, being re-considered,) was referred to the select committee of five on the bill from the house of representatives entitled 'A bill for the construction of certain roads,' with instructions to report it as an additional section to said bill.

And the senate then adjourned.

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TUESDAY March 8, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were found to be absent without leave: Messrs. Durocher Hascall.

Mr. Hough presented the petition of inhabitants of Branch and Calhoun counties, for a state road from Coldwater by Gerard and Goodwinville to Battle creek; referred to the select committee on the bill from the house of representatives entitled 'A bill for the construction of certain roads.'

Mr. Britain, from the select committee on the bill from the house of representatives entitled 'a bill for the construction of certain roads,' reported the same back to the senate with amendments, in which they asked the concurrence of the senate; and the bill and amendments were, on motion of Mr. Britain, committed to committee of the whole, and made the special order of the day for to-morrow.

On motion of Mr. Barry,

*Resolved*, That the daily session of the senate commence at 9 o'clock A. M., until otherwise ordered.

Mr. Ellis submitted a resolution, which, being amended, on motion of Mr. McDonell, by inserting 'auditor general and' before 'treasurer,' and adding to the last line 'or otherwise,' was adopted, as follows:

*Resolved*, That the auditor general and treasurer of this state be, and they are hereby directed to report to the senate, the state of the finances of this state, together with a statement of the amount of such sums, if any, as may have been paid into the treasury by the treasurer of the late territory of Michigan, or otherwise.

The engrossed bill, entitled 'A bill amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state and county purposes,' was read the third time; and on motion of Mr. Barry, the amendment being received by consent of a majority, the first section, line 9, was amended by inserting after 'county' the words 'and township,' and by striking out 'and' before 'county;' and the bill then passed the senate.

And the title, on motion of Mr. Finch, was amended to correspond with the amendment just made to the 9th line of section 1.

A message from the executive was received through the secretary of state, as follows:

*'To the Senate :*

I have this day approved and filed in the office of the secretary of state the following acts, viz:

'An act to organize the county of Genesee;' and 'An act providing for preparing and digesting a code of laws.'

STEVENS T. MASON.

Detroit, March 8, 1836.'

The engrossed bill, entitled 'A bill amendatory to an act entitled an act relative to the duties and privileges of townships,' approved the 17th April, 1833,' being read a third

time, Mr. Ellis moved to strike out in section 2, the words 'or refuse to receive the votes of the electors duly qualified to vote according to the constitution of this state;' which amendment was not received, not being seconded by a majority. Mr. Ellis moved to strike out section three, which likewise was not received.

The question being on the passage of the bill, on motion of Mr. Rumsey, the bill was laid on the table until to-morrow.

The senate then went into committee of the whole, Mr. Ellis in the chair, on the bill entitled 'A bill to provide for and regulate the election of electors of president and vice president;' and after some time spent in the consideration thereof, the committee rose, and through their chairman reported the same back to the senate with amendments.

On motion of Mr. Barry,

The bill, with the amendments, was recommitted to the select committee who reported the bill.

Mr. Comstock asked and obtained leave of absence for this afternoon.

And on motion of Mr. Barry,

The senate then adjourned till 6 o'clock P. M.

#### AFTERNOON SESSION.

Three o'clock, P. M.

The senate met pursuant to adjournment.

The report of the committee on incorporations, laid on the table on Saturday, being taken up, their report was concurred in, and the resolution appended to said report, was adopted, which said resolution is as follows:

*Resolved*, That the Hon. Wm. A. Fletcher, or the person preparing a code of laws, for the state of Michigan, to be reported to the next legislature, be instructed and requested to report a bill regulating joint partnerships, and authorizing the establishment of minor joint stock companies, by the attorney general or other authorities of this state, under proper regulations and provisions.

(*For report, see senate document No. 10.*)

A message was received from the house of representatives through their clerk, as follows:

‘Mr. President—

I am directed by the house of representatives to inform the senate that the house accede to the appointment of a committee of conference, on the amendments made by the house of representatives, to the bill to extend the limits of the village of St. Joseph, and that Messrs. Sherman, Alden and O. Howe are said committee on the part of the house of representatives:—

‘I also forward to the senate, a bill for the organization of certain counties; also a bill to authorize the building of dams across certain rivers; also a bill to provide for the review of the seat of justice in the county of Branch:—

‘I also return to the senate from whence it originated, a resolution directing the publication of the laws with certain amendments.’

The bill from the house of representatives entitled ‘A bill to authorize the building of dams across certain rivers,’ was read the first time, and by consent of three-fourths a second time, and referred to the committee on internal improvements.

The bill entitled ‘A bill to authorize the building of a dam in the Kalamazoo river,’ which had been laid on the table, was taken up and referred to the same committee.

The bill from the house of representatives entitled ‘A bill for the organization of certain counties,’ was read a first time, and by consent of three-fourths a second time; and referred to the committee on towns and counties.

The bill from the house of representatives entitled ‘A bill to provide for the review of the seat of justice of the county of Branch,’ was read a first time, and by consent of three-fourths a second time and referred to the committee on the judiciary.

The amendments made by the house of representatives to the resolution directing the publication of the laws,’ having been taken up, and the question being on the first amendment

to add after 'Tecumseh Democrat,' 'in the Adrian Watch-Tower,' was disagreed to by yeas and as follows:

Yeas—Messrs. Ellis, McDonell,—2.

Nays—Messrs. Barry, Britain, Davis, Finch, Hough, Moody, Rumsey, Stockton, Ten Eyck,—9.

The 2d amendment, being to insert after 'St. Clair' 'the Peninsular to be published at Centreville, St. Joseph county' was agreed to. The third amendment being to strike out 'Patriot' after 'Oakland,' and insert 'Balance,' was also agreed to. The fourth amendment, being to strike out 'forty' and insert 'fifty,' was not concurred in. And the fifth amendment, being to insert 'the St. Joseph Courant at Constantine, St. Joseph county,' was also non-concurred in.

The general orders having been taken up, the vote on committing the bill from the house of representatives entitled 'a bill to vacate the present seat of justice in the county of Lenawee, and establish the same at the village of Adrian, in said county,' to the committee of the whole, on motion of Mr. Hough was reconsidered; and the bill committed to the committee on the judiciary.

The senate thereupon went into committee of the whole, Mr. McDonell in the chair, on the bills from the house of representatives entitled 'a bill to incorporate the Constantine and Niles canal and railroad company,' and a 'bill to incorporate the Allegan and Marshall railroad company;' and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

Mr. Britain moved that the senate resolve itself into committee of the whole on the bill to incorporate the stockholders of the Manhattan Bank, which motion did not prevail.

The bill entitled 'a bill to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan, and for other purposes,' on motion of Mr. McDonell, was committed to the committee on the militia.

The president announced the return made by the sergeant-



at-arms on the warrant issued for him to bring in the persons of Messrs. Hascall and Durocher, members of the senate absent without leave; which, on motion of Mr. Ellis, was laid on the table until Thursday next, by yeas and nays as follows:

Yeas—Messrs. Barry, Britain, Davis, Ellis, Finch, Hough, McDonell, Rumsey, Stockton,—9.

Nays—Messrs. Moody, Ten Eyck,—2.

The resolution offered by Mr. Barry, on Saturday, being taken up, Mr. Ellis moved to refer the resolution to a committee of five; and the resolution, on motion of Mr. Ellis, was laid on the table.

Mr. Ellis from the committee on enrolment, reported as correctly engrossed, the bill entitled, 'a bill amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes.'

Mr. Ellis presented two petitions, which were laid on the table.

On motion of Mr. Hough,

*Resolved*, That the committee on state affairs be instructed to report a bill providing for the election of state officers and members of the legislature.

And the senate adjourned.

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WEDNESDAY, March 9, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent without leave:—Messrs. Durocher, Finch, Hascall.

Mr. Hough, from the select committee to whom had been committed the bill entitled 'A bill to provide for and regulate the election of electors of president and vice president,' reported the same back with amendments; and the bill and amendments were ordered to be printed.

Mr. Rumsey, from the committee on internal improvements, to whom had been referred the bill from the house of

representatives entitled 'A bill to authorize the building dams across certain rivers,' and also a bill entitled 'A bill to authorize the building of a dam in the Kalamazoo river,' reported back said bills, together with sundry amendments made to the first of said bills, in which they asked the concurrence of the senate.

And the amendments were thereupon severally concurred in.

And the amendments were ordered to be engrossed, and the bill to a third reading.

The senate then, on motion of Mr. Hough, resolved itself into committee of the whole, Mr. Stockton in the chair, on the bill from the house of representatives, entitled 'A bill for the construction of certain roads;' with the amendments proposed by the select committee of five to whom said bill had been referred, and after some time spent thereon, the committee rose, and through their chairman reported the same back with various amendments, in which they asked the concurrence of the senate.

And the senate, on motion of Mr. Barry, concurred in said amendments.

A message from the house of representatives was received transmitting a bill which had passed that body, entitled 'A bill to provide for the election of certain county and township officers, and for other purposes,' in which they asked the concurrence of the senate.

Said bill, having been read a first time, and by consent of three-fourths a second time, was, on motion of Mr. Barry, committed to committee of the whole.

On motion of Mr. McDonell,

The bill entitled 'A bill amendatory to an act relative to the duties and privileges of townships, approved the 17th April, 1833,' was committed to a select committee; and

Messrs. McDonell, Ellis and Comstock, were appointed said committee.

A message from the house of representatives was received, through their clerk, as follows:—

‘Mr. President, I am directed by the house of representatives to inform the senate that the house do adhere to the two first amendments to the resolution directing the publication of the Laws, and also that they recede from the latter, and that they have appointed a committee of conference on the part of the house, consisting of Messrs. Whipple, Richardson, Hutchins, and respectfully request the appointment of a similar committee on the part of the senate:—

‘I also forward to the senate, from whence it originated, a bill requiring the publication of notices in certain cases, with an amendment, in which the house respectfully ask the concurrence of the senate.’

The amendment made by the house of representatives to the bill entitled ‘A bill requiring the publication of notices in certain cases,’ was concurred in.

On motion of Mr. Comstock,

*Resolved*, That a committee of conference be appointed on the part of the senate, on the amendments adhered to by the house, in the resolution relative to the publication of the laws; and

Messrs. Comstock, Barry and Ten Eyck, were appointed said committee on the part of the senate.

And the senate then adjourned.

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THURSDAY, March 10, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent without leave: Messrs. Durocher, Hascall.

Mr. Comstock, from the committee on literature, to whom had been recommitted the bill read third time, entitled ‘A bill to prescribe the powers and duties of Superintendent of Public Instruction,’ with instructions, reported the same back with

an amendment, in which they asked the concurrence of the senate.

An amendment to said amendment having been offered by Mr. Parry, the bill and amendments were laid on the table.

Mr. Barry, from the select committee to whom was referred the petition of Moses Thompson and others to flow certain lands, reported that they were of opinion that it embraces a legal question, in as much as the petitioners design to secure a right to overflow the lands of other persons; and that it would more properly come under some general law; and your committee ask leave to be discharged from the further consideration of the subject.

On motion of Mr. Barry,

Said report was accepted, and the committee discharged from the further consideration of the subject.

Mr. McDonell, from the select committee to whom was committed a bill entitled 'A bill amendatory to an act entitled "an act relative to the duties and privileges of townships, approved April 17th, 1833,' reported the same back with amendments; and the bill and amendments were laid on the table and ordered to be printed.

Mr. Comstock, from the joint committee of conference on the amendments made and adhered to by the house of representatives to the resolution directing the publication of the laws, reported, as amendments proposed by that committee, (1) to strike out 'Tecumseh Democrat' and insert 'Adrian Watch-Tower;' which was concurred in by the senate, by yeas and nays, as follows:

Yeas—Messrs. Barry, Clarke, Comstock, Ellis, Finch, McDonell, Moody, Rumsey, Stockton, Ten Eyck—10.

Nays—Mr. Hough—1.

(2) to strike out 'forty' and insert 'fifty;' which was concurred in.

The President announced a communication from the Auditor General, in reply to a resolution adopted by the senate on

the 8th instant ; which being read, was, on motion of Mr. Comstock, referred to the committee on ways and means.

The bill from the house of representatives, entitled 'A bill to authorize the building of dams across certain rivers,' with amendments made thereto in the senate, being read a third time, Mr. Davis moved to strike out the amendment made to section nine; which amendment, being seconded by a majority, was adopted.

Mr. Britain moved to strike out section nine, which, not being seconded by a majority, was lost.

Mr. Barry moved a reconsideration of the vote on striking out the amendment made by the senate; which was lost, by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Ellis, McDonell, Rumsey, Ten Eyck—6.

Nays—Messrs. Clark, Comstock, Davis, Finch, Hough, Moody, Stockton—7.

The question being on the passage of said bill as amended, Mr. Britain moved its recommitment to the committee on internal improvements, with instructions to strike out section nine, and as a separate bill; which was decided in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Davis, Ellis, Hough, McDonell, Rumsey, Ten Eyck—8.

Nays—Messrs. Clarke, Comstock, Finch, Moody, Stockton—5.

On motion of Mr. McDonell,

*Resolved*, That the president and cashier of the Michigan State Bank furnish the senate a statement of public moneys paid into the hands of Alexander H. McKinstry, the late cashier of said bank, and fiscal agent of this legislature ; and the amount of disbursements made by said McKinstry, under the authority of law; and also the amount of monies advanced by the president of said bank from his own private funds, on the order of the president of the senate and speaker of the house of representatives, or otherwise.

Mr. Barry, from the committee on internal improvements, to whom had been re-committed the bill entitled 'A bill to authorize the building of dams across certain rivers,' with instructions, reported the same back to the senate with the ninth section struck out, and accompanied with a bill entitled 'A bill to authorize the building of a dam across the Flint river.'

And the bill first above mentioned, then passed the senate.

The question being on the title of said bill,

Mr. Barry moved to amend by striking out the present title, and making it read 'A bill to improve the navigation of certain rivers,'

Mr. Ellis moved to strike out 'improve' and insert 'obstruct,' which was lost:

And the amendment offered by Mr. Barry was then lost.

Mr. Comstock moved to amend by making the title read 'A bill to construct dams and improve the navigation of certain rivers.'

Mr. McDonell moved to strike out 'to improve' and insert 'for the improvement,' which was lost; and the amendment was then adopted.

The bill entitled 'a bill to authorize the building of a dam across the Flint river,' was read a first time, and by consent of three-fourths a second time. Mr. Barry moved to add to said bill 'and shall contain a convenient lock not less than 75 feet in length, and 16 feet in width, for the passage of boats, rafts or other water craft;' which was agreed to, by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Ellis, Hough, McDonell, Rumsey, Ten Eyck—7.

Nays—Messrs. Clarke, Comstock, Davis, Finch, Moody, Stockton—6.

And the bill was then laid on the table.

The President announced a communication from the treasurer, in reply to a resolution of the senate adopted on the 6th

inst. : read and referred to the joint committee of ways and means.

Mr. Ellis moved that the senate take a recess to 2 o'clock P. M.—lost: and the senate, on motion of Mr. McDonell, then took a recess to 3 P. M.

AFTERNOON SESSION.

Three o'clock, P. M.

The senate met, pursuant to adjournment.

The president being absent, Mr. Barry, president pro tem. took the chair, and informed the senate of the necessary absence of the lieutenant governor for the remainder of this week.

The senate, on motion of Mr. Hough, thereupon resolved itself into committee of the whole, Mr. Rumsey in the chair, on the bill from the house of representatives entitled 'a bill to provide for the election of certain county and township officers, and for other purposes,' and after some time spent thereon, the committee rose, and through their chairman, reported the same back with various amendments, in which they asked the concurrence of the senate.

And the senate, on motion of Mr. Comstock, concurred in said amendments.

And the bill was thereupon read a third time and passed.

The senate then went into committee of the whole, Mr. Clark in the chair, on the bill from the house of representatives entitled 'a bill to incorporate the Allegan and Marshall railroad company,' and after some time spent in the consideration thereof, the committee rose, and through their chair, man reported progress, and asked and obtained leave to sit again.

Mr. Ten Eyck submitted the following resolution which (a motion made by Mr. Stockton, to strike out 'at 2 o'clock P. M. to-morrow' and insert 'on Monday next' being lost,) was adopted:

*Resolved*, when the senate adjourns it will adjourn to meet at 2 o'clock P. M. to-morrow, to give opportunity for mem-

bers of the senate, to attend to the funeral of the late Gen. Richard Smith, an old and respectable citizen of Michigan.]

Mr. Britain gave notice that on a future day, he would ask leave to bring in 'a bill to incorporate the stockholders of the Havre branch railroad company.

And the senate then adjourned.

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FRIDAY, March 11th, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were found to be absent without leave: Messrs. Durocher, Finch, Hascall.

Mr. Ten Eyck had leave of absence for to-day.

Mr. Davis, from the committee on the militia, to whom was committed the bill entitled 'a bill to provide for the payment of the militia in supporting the supremacy of the laws of Michigan, and for other purposes;' reported the same back with an amendment as a substitute, and the bill and amendment were laid on the table, and the amendment ordered to be printed.

Mr. Britain, in behalf of the president pro tem. chairman of the select committee appointed for that purpose, brought in a bill entitled 'a bill to incorporate Marshall academy at White Pigeon;' which being read a first time, and by consent of three-fourths a second time, was laid on the table and ordered to be printed.

Mr. Britain, from the select committee to whom had been referred 'a bill to lay out a state road from Bronson to the mouth of South Black river,' reported the same back and moved its indefinite postponement, (the provisions of said bill having been incorporated into a previous bill;) and said bill was therefore indefinitely postponed.

Mr. Britain, from the select committee appointed for that purpose; brought in a bill entitled 'a bill to provide for the election of senators to congress;' which having been read a



first time, and by consent of three-fourths a second time, was laid on the table and ordered to be printed.

Mr. Britain, from the select committee appointed for that purpose, brought in a bill entitled 'a bill to incorporate the Tremainville forge and iron foundry;' which was read a first time, and by consent of three-fourths a second time, and committed to committee of the whole.

Mr. Comstock, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the stockholders of the commercial bank at Havre; and Messrs. Comstock, Moody and Davis, were appointed a committee to bring in said bill.

Mr. Moody, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Palmyra and Jacksonburg railroad company; and Messrs. Moody, Stockton and Hough, were appointed a committee to bring in said bill.

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Havre branch railroad company; and Messrs. Britain, Ellis and Clark, were appointed a committee to bring in said bill.

Mr. Stockton gave notice that on a future day he would ask leave to bring in a bill relative to the divisionary line between the townships of Cottrellville and Clay, in the county of St. Clair.

The third reading of the bill from the house of representatives entitled 'a bill for the construction of certain roads,' being in order, the bill, on motion of Mr. McDonell, was laid on the table until to-morrow.

The senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. Comstock in the chair, on the bill entitled 'a bill to provide for and regulate the election of electors of president and vice president,' as reported back to the select committee: and after some time spent thereon, the committee rose, and through their chairman reported

the same back with amendments, in which they asked the concurrence of the senate.

And the senate, on motion of Mr. McDonell, thereupon concurred in said amendments: and the bill was ordered to be engrossed and read a third time.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the amendments made in senate to the bill from the house of representatives entitled 'a bill to provide for the election of certain county and township officers, and for other purposes.'

The bill read third time, as reported back to the select committee, entitled 'a bill amendatory to an act entitled an act relative to the duties and privileges of townships, approved the 17th of April, 1833,' having been taken up, Mr. Comstock moved to amend the third section as reported, by adding line 2, after the words 'to the' as follows:

'Acts of incorporation of the city of Detroit, passed April 4, 1827, and an act passed April 14th, 1833, and the'—which was lost.

Mr. Clark moved to strike out section 3; whereupon, on motion of Mr. McDonell, the bill and amendments were laid on the table.

The bill, entitled 'a bill to prescribe the powers and duties of superintendent of public instruction,' with the pending amendments, having been taken up, the bill and amendments were indefinitely postponed.

The senate then adjourned.

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SATURDAY, March 12, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent without leave: Messrs. Durocher, Finch, Hascall.

Mr. McDonell, from the committee on the judiciary, to whom had been committed the bill from the house of representatives, entitled 'A bill to vacate the present seat of justice

of the county of Lenawee, and to establish the same at the village of Adrian, in said county,' reported that they had had the same under consideration, and were unanimously of opinion that the bill should pass, and therefore reported the same back to the senate without amendment.

Mr. McDonell, from the same committee, to whom had been referred the bill from the house of representatives, entitled 'A bill to provide for the review of the seat of justice of the county of Branch,' reported that they likewise had had the same under consideration and were unanimously of the opinion that the same should pass, and therefore reported the same back without amendment.

Said bills were severally laid on the table until Monday next.

A message from the house of representatives was received, transmitting bills, entitled 'A bill to authorize the supervisors of certain counties therein named to borrow a sum of money,' and 'a bill concerning the records of deeds and other conveyances of lands,' in which they asked the concurrence of the senate.

The first of said bills having been read a first time, and, by consent of three-fourths, a second time, was committed to committee of the whole, and made the special order of the day for Monday next.

And the second of said bills, having been read a first and second time, was committed to committee of the whole, and made the special order of the day for Tuesday next.

Mr. Comstock, from the select committee appointed for that purpose, brought in a bill entitled 'A bill to incorporate the stockholders of the Commercial Bank at Havre,' which, having been read a first time, and, by consent of three-fourths, a second time, was laid on the table and ordered to be printed.

Mr. Stockton, in pursuance of previous notice, asked and obtained leave to bring in a bill relative to the divisionary line between the townships of Cottrelville and Clay, in the county of St. Clair.

Messrs. Stockton, Clarke and Ten Eyck, were appointed a committee to bring in said bill.

Mr. Stockton gave notice that, on a future day, he would ask leave to bring in a bill to amend an act entitled 'An act to incorporate the stockholders of the Black river steam-mill company.

The engrossed bill, entitled 'A bill to provide for and regulate the election of electors of president and vice-president,' having been read a third time, the first blank, on motion of Mr. Hough, was filled with 'five' and the second blank with 'three.'

Mr. Hough moved to fill the blank in sec. 14, with 'thirty,' which was lost; and said blank, on motion of Mr. Rumsey, was then filled with 'twenty-five;' and the blank in sec. 16, on motion of Mr. Hough, was then filled with 'twenty,' by yeas and nays, as follows:

Yeas—Messrs. Britain, Davis, Ellis, Hough, McDonell, Moody, Rumsey—7.

Nays—Messrs. Clarke, Stockton, Ten Eyck, President pro tem.—4.

And the bill then passed the senate.

The bill from the house of representatives, with the engrossed amendments made in senate, having been read a third time, on motion of Mr. Britain, the amendments being seconded by a majority, sections 51, 52, 53, 54, 55 and 56 were inserted in said bill.

On motion of Mr. Stockton, seconded as above, sections 57 and 58 were inserted.

On motion of Mr. Ellis, also seconded as above, sections 59 and 60 were added; and sections 32 and 33 in the bill from the house of representatives, ordered to be altered to 61 and 62; and the blanks in several sections having been filled, the bill then passed the senate as amended.

And, on motion of Mr. Hough, the title was amended by inserting in lieu of the present title, as follows;

'A bill appointing commissioners to lay out and establish certain state roads.'

The senate then adjourned.

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MONDAY, March 14, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent without leave: Messrs. Durocher, Hascall.

Mr. Davis presented the petition of citizens of Washtenaw for the organization of a new township: laid on the table.

Mr. Britain, from the joint committee of conference on the bill entitled 'a bill to extend the limits of the village of St. Joseph, in Berrien county, and for other purposes,' reported the same back with amendments, in which that committee asked the concurrence of the senate, and the senate concurred in said amendments.

And the said committee also moved to strike out the present title, and insert in lieu thereof, 'a bill to amend an act entitled an act to incorporate the village of St. Joseph, which was concurred in.

Mr. Britain, from the select committee appointed for that purpose, brought in a bill entitled 'a bill to incorporate the Havre branch railroad company,' which being read a first time, and by consent of three-fourths a second time, was submitted to committee of the whole.

Mr. Moody, from the select committee appointed for that purpose, brought in a bill entitled 'a bill to incorporate the Palmyra and Jacksonburgh railroad company,' which having been read a first time, and by consent of three-fourths a second time, was committed to committee of the whole.

Mr. Stockton, from the select committee appointed for that purpose, brought in a bill entitled 'a bill to establish the divisionary line between the townships of Cottrevill and Clay in the county of St. Clair,' which having been read a first time and by consent of three-fourths a second time, was ordered to be engrossed for third reading.

Mr. Ellis from committee on enrolment, reported as correctly engrossed, the bill entitled 'a bill to provide for and regulate the election of electors of president and vice president,' and the amendments in senate to the bill from the house of representatives, entitled 'a bill to authorize the building of dams across certain rivers,' and as correctly enrolled 'a resolution directing the publication of the laws,' and the bill entitled 'An act requiring the publication of notices in certain cases.'

A message from the house of representatives was received, informing the senate of the passage in that body of a bill entitled 'a bill to organize certain townships,' which bill was read a first time, and by consent of three-fourths a second time, and on motion of Mr. Barry, referred to the committee on towns and counties.

And the petition laid on the table this morning, was thereupon referred to the same committee.

Mr. Britain gave notice that hereafter he would ask leave to bring in a bill to incorporate the Kalamazoo and lake Michigan railroad company.

On motion of Mr. Britain, the necessary standing rule being suspended, leave was thereupon granted to bring in said bill: and Messrs. Britain, Ellis and McDonell were appointed a committee to bring in said bill: and Mr. Britain from said committee, brought in a bill entitled 'a bill to incorporate the Kalamazoo and lake Michigan railroad company,' which having been read a first time, and by consent of three-fourths a second time, was, on motion of Mr. Ellis, committed to committee of the whole.

Mr. Davis submitted the following resolution, which, on motion of Mr. McDonell, was laid on the table:

*Resolved*, If the house of representatives concur herein, that the legislature adjourn on Tuesday the 22d inst. *sine die*.

Mr. Davis then offered the following resolution, which on motion of Mr. Clark, being amended by inserting before 'tomorrow' the words 'day after,' was adopted as follows:

*Resolved*, That the chairmen of the several standing and select committees report to the senate, the day after to-morrow, the amount of business now before them, its nature, and state of progression.

The enrolled bill entitled 'An act requiring the publication of notices in certain cases' and 'a resolution directing the publication of the laws,' were presented to the governor for his signature.

Mr. Barry submitted the following resolution, which was unanimously adopted by the senate, by yeas and nays, as follows:—

Yeas—Messrs. Barry, Britain, Clarke, Comstock, Davis, Ellis, Hough, McDonell, Moody, Rumsey, Stockton, Ten Eyck—12.

Nays—0.

The resolution being in the words following:—

*Resolved*, by the senate and house of representatives of the state of Michigan, That our senators to congress be instructed, and our representatives be requested, to oppose the passage of a bill now pending before congress, entitled 'a bill to establish the northern boundary line of the state of Ohio, and to provide for the admission of Michigan into the Union' because by its provisions, in direct violation of the ordinance of 1787, the said bill gives to Ohio a large and valuable portion of Michigan.

The senate then went into committee of the whole, on the unfinished business of the day, Mr. Clark in the chair, and proceeded to the consideration of the bill from the house of representatives, entitled 'a bill to incorporate the Allegan and Marshall railroad company,' and after some time spent in the discussion thereof, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed 'a resolution instructing our senators and

requesting our representative to congress to oppose a certain bill therein named.'

A message from the house of representatives was received, transmitting certain resolutions relative to the funeral of Jonathan P. Fay, late a member of the house of representatives:—which were concurred in by the senate, with sundry verbal and slight amendments, made therein.

A message from the Executive was received through the secretary of state, as follows :

*'To the senate—*

I have this day approved and filed in the office of the secretary of state, an act, entitled 'an act to provide for the election of certain county and township officers and for other purposes.'

STEVENS T. MASON.

March 14, 1836.'

Mr. Barry submitted the following resolution:—

*Resolved*, That when the senate adjourn to-day, it will adjourn to meet at 2 o'clock P. M. to-morrow.

Mr. Stockton moved to amend by striking out 'at 2 o'clock P. M. to-morrow,' and insert 'on Wednesday at the usual hour,' which was agreed to, and the resolution so amended was adopted.

On motion of Mr. Rumsey, leave of absence was granted to Mr. Finch, during his sickness.

The senate on motion of Mr. Barry, thereupon took a recess to 3 o'clock P. M.

AFTERNOON SESSION.

Three o'clock P. M.

The senate met pursuant to adjournment.

On motion of Mr. Hough,

*Resolved*, That the secretary of state be directed to furnish forthwith, to the Detroit Free Press, a copy of the act this day approved by the governor, entitled 'an act to provide for the election of certain county and township officers, and for other purposes,' and to furnish other papers in the



state, authorized to publish the laws, as soon as may be, with certified written or printed copies of said act.

A message from the house of representatives was received, informing the senate that they concurred in the several amendments made by the senate to the resolution relative to attendance on the funeral of the late Jonathan P. Fay, except as to striking out the 3d resolution.

The senate adhered to their amendment to strike out the third resolution.

Mr. Barry offered the following resolution, which was adopted :

*Resolved*, That the members of the senate and house of representatives be invited to meet at the capitol, at 10 o'clock to-morrow morning, to enter into arrangements in relation to the funeral of the late Jonathan P. Fay.

On motion of Mr. Hough,

The bill entitled 'A bill to vacate the present seat of justice of the county of Lenawee, and establish the same at the village of Adrian, in said county,' was postponed and made the special order of the day for Wednesday next.

The senate then again went into committee of the whole, Mr. Clark in the chair, on the bill from the house of representatives, entitled 'A bill to incorporate the Allegan and Marshall railroad company;' and the bill entitled 'A bill to incorporate the Constantine and Niles canal or railroad company;' and after some time spent thereon the committee rose, and through their chairman reported back the said bills with amendments, in which they asked the concurrence of the senate.

And the senate, on motion of Mr. Barry, concurred in said amendments.

Mr. Ellis moved to add as an additional section to the first of said bills, as follows :

The legislature shall have power at any time to alter or amend this act : *Provided*, That the company hereby incor-

porated, shall not be deprived of their property in said road without just compensation therefor.'

Said amendment was lost, by yeas and nays, as follows:

Yeas—Messrs. Ellis, Hough—2.

Nays—Messrs. Barry, Britain, Clarke, Comstock, Davis, McDonell, Moody, Rumsey, Stockton—9.

The first of the above bills was then, on motion of Mr. Barry, read a third time; and the bill then passed by yeas and nays, to-thirds voting in the affirmative, as follows:

Yeas—Messrs. Barry, Britain, Clarke, Comstock, Davis, McDonell, Moody, Rumsey, Stockton—9.

Nays—Messrs. Ellis, Hough—2.

The second of said bills was thereupon also read a third time; and said bill also passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Clarke, Comstock, Davis, McDonell, Moody, Rumsey, Stockton—9.

Nays—Messrs. Ellis, Hough—2.

Mr. Stockton, in pursuance of previous notice, asked and obtained leave to bring in a bill to amend an act to incorporate the Black river steam-mill company.

Messrs. Stockton, Clarke and Moody, were appointed a committee to bring in said bill.

And the senate adjourned.

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WEDNESDAY, March 16, 1836.

The senate met pursuant to adjournment.

The roll being called the following members were absent without leave: Messrs. Durocher, Hascall.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the amendment proposed by the joint committee on conference, on the bill entitled 'a bill to extend the limits of the village of St. Joseph, and for other purposes,' as adopted by the senate; also the amendments made in senate to the bills from the house of representatives entitled 'a bill to incorporate the Allegan and Marshall railroad company,' and

'a bill to incorporate the Constantine and Niles canal or railroad company.'

Mr. McDonell, from the committee on finance, reported a bill entitled 'a bill making appropriations in part for the year one thousand eight hundred and thirty-six;' which having been read a first time, and by consent of three-fourths a second time, was laid on the table, and ordered to be printed.

Mr. Hough, from the committee on incorporations, in pursuance of a resolution adopted on the 14th inst., made a report in relation to the amount of business before said committee: also, Mr. Rumsey from the committee on internal improvements, Mr. Davis from the committee on roads and bridges, Mr. Comstock from the committee on literature, and Mr. Barry from the committee on the judiciary, made similar reports; which reports, in writing, were severally read and laid on the table; Mr. Rumsey making a verbal report.

Mr. Stockton, from the select committee appointed for that purpose, brought in a bill entitled 'a bill to amend an act entitled an act to incorporate the Black river steam-mill company;' which having been read a first time, and by consent of three-fourths a second time, was ordered to be engrossed for third reading to-morrow.

Mr. Davis gave notice that he should on some future day ask leave to bring in a bill to authorize the sale of certain lands.

Mr. Clark, the necessary rule being suspended, asked and obtained leave to bring in a bill to incorporate the St. Clair and Grand river railroad company; and Messrs. Clark, Stockton and Moody, were appointed a committee to bring in said bill; and Mr. Clark, from said committee, thereupon brought in a bill entitled 'a bill to incorporate the stockholders of the St. Clair and Grand river railroad company;' which having been read a first time, and by consent of three-fourths a second time, was committed to committee of the whole.

The engrossed bill entitled 'a bill relative to the divisionary

line between the townships of Cottrellville and Clay, in the county of St. Clair,' was read a third time and passed.

The senate, on motion of Mr. Barry, then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill from the house of representatives entitled 'a bill to provide for a review of the seat of justice of Branch county;' and after some time spent thereon, the committee rose, and through their chairman, reported the same back with amendments in which they asked the concurrence of the senate, and the senate on motion of Mr. Barry, concurred in said amendments; and the bill was ordered to a third reading.

Mr. Britain being about to propose some amendments to the bill, Mr. Barry moved a reconsideration of the vote on ordering the bill to a third reading; and said vote was reconsidered.

Mr. Britain gave notice that he should on some future day ask leave to bring in a bill to amend the bill now on its passage.

The bill was then again ordered to a third reading; and was thereupon read a third time. And the bill passed the senate.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed the bill entitled 'a bill to establish the divisionary line between the townships of Cottrellville and Clay in the county of St. Clair.'

The senate then went into committee of the whole, Mr. Clark in the chair, on the bill from the house of representatives entitled 'a bill to authorize the boards of supervisors of certain counties therein named to borrow a sum of money;' and after some time spent thereon, the committee rose, and through their chairman, reported the same back with amendments, in which they asked the concurrence of the senate.

And the senate concurred in said amendments, and the bill as amended was then read a third time and passed.

And the title, on motion of Mr. Ellis, was amended so as to read 'a bill to authorize the boards of supervisors of certain

counties therein named to borrow certain sums of money, and for other purposes.'

The bill from the house of representatives entitled 'a bill concerning the records of deeds and other conveyances of land,' was, on motion of Mr. McDonell, laid on the table.

And the senate, on motion of Mr. Barry, then went into committee of the whole, Mr. Comstock in the chair, on the bill from the house of representatives entitled 'a bill to vacate the present seat of justice of the county of Lenawee, and to establish the same at the village of Adrian, in said county;' and after some time spent thereon, the committee rose and reported progress, and asked and obtained leave to sit again.

Mr. Britain gave notice that on a future day he would ask leave to bring in a bill to incorporate the stockholders of the River Raisin Branch railroad company, and a bill to amend an act entitled 'an act to provide for the establishment of seats of justice.'

Mr. Moody moved that the senate take a recess to 3 o'clock, P. M., which was lost, and Mr. McDonell then moved that the senate now adjourn, which was also lost.

Mr. McDonell renewed the motion for a recess to 3 o'clock, P. M., which was lost by yeas and nays as follows:

Yeas—Messrs. Britain, Davis, Ellis, McDonell, Moody—5.

Nays—Messrs. Barry, Clarke, Comstock, Hough, Rumsey, Stockton—6.

The resolution offered by Mr. Davis, and laid on the table yesterday, having been taken up, Mr. Hough moved to strike out '22d,' and insert 28th.' Mr. Comstock moved to insert '25th.' Mr. McDonell called for a division of the question, and the question being on striking out '22d,' was decided in the negative by yeas and nays as follows:

Yeas—Messrs. Comstock, Hough, McDonell—3.

Nays—Messrs. Barry, Britain, Clarke, Davis, Ellis, Moody, Rumsey, Stockton—8.

And the resolution was adopted as follows:

*Resolved*, if the house of representatives concur herein, that the legislature adjourn on Tuesday the 22d instant, sine die.

And the senate then adjourned.

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THURSDAY, March 17, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were found to be absent without leave: Messrs. Durocher, Hascall.

Mr. Ellis from the committee on enrolment, reported as correctly engrossed, the amendment made in the senate to the following bill's from the house of representatives, viz: 'A bill to provide for the review of the seat of justice of the county of Branch;' 'a bill to authorize the boards of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes;' and 'a bill appointing commissioners to lay out and establish certain roads.

On motion of Mr. Clark,

The vote on the passage of the bill from the house of representatives entitled 'a bill to authorize the supervisors of certain counties therein named to borrow a sum of money,' was reconsidered; and the blank in section 6 being filled with 'ten' the bill again passed.

A message from the executive, received by the secretary of state, was announced as follows:

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state, an act, entitled 'an act requiring the publication of notices in certain cases,' and also a resolution entitled 'a resolution directing the publication of the laws.'

STEVENS T. MASON.

March 16, 1836.'

A communication from the auditor general was announced, which, being read, was referred to the committee on finance.

A message from the house of representatives was announced, informing the senate of their concurrence in the amendments made by the senate to the bill entitled, 'a bill to amend an act to incorporate the village of St. Joseph,' and transmitting a bill entitled, 'a bill authorizing the boards of supervisors of the counties of Washtenaw and St. Clair to raise money to erect public buildings.'

Said bill from the house of representatives, was thereupon read a first and by consent of three-fourths a second time, and ordered to be read a third time to-morrow.

Mr. McDonell in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Detroit and Grand river railroad company.

And Messrs. McDonell, Ellis and Hough were appointed a committee to bring in said bill.

Mr. Britain in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the stockholders of the River Raisin Branch railroad company; and Messrs. Britain, Rumsey, and Barry were appointed a committee to bring in said bill.

Mr. Davis in pursuance of previous notice, asked and obtained leave to bring in a bill to authorize the sale of certain lots of land; and Messrs. Davis, Stockton, and Finch were appointed a committee to bring in said bill.

Mr. Ellis gave notice that on a future day he would ask leave to bring in 'a bill in addition to an act, entitled an act, to amend an act to incorporate the Erie and Kalamazoo railroad company.'

On motion of Mr. Ellis,

The bill entitled 'a bill to incorporate the stockholders of the Monroe and Ann Arbor railroad company,' was committed to committee of the whole, and made the special order of the day for Monday next.

Mr. Britain in pursuance of previous notice, asked and obtained leave to bring in a bill to amend an act entitled an act

to establish seats of justice; and Messrs. Britain, Rumsey, and Mc Donell, were appointed a committee to bring in said bill.

The senate on motion of Mr. Barry, then went into committee of the whole, Mr. Ellis in the chair, on the bill entitled 'a bill making appropriations in part for the year 1836;' and after some time spent thereon, the committee rose, and thro' their chairman reported the same back with amendments, in which they asked the concurrence of the senate; and the senate, on motion of Mr. McDonell, concurred in said amendments; and the bill was ordered to be engrossed for third reading.

The engrossed bill entitled, 'a bill to amend an act to incorporate the Black river steam mill company,' being taken up for third reading, the bill on motion of Mr. Comstock, was laid on the table until to-morrow.

The senate again went into committee of the whole Mr. Comstock in the chair, on the bill from the house of representatives entitled 'a bill to vacate the present seat of justice of the county of Lenawee, and to establish the same at the village of Adrian in said county;' and after some time spent in the discussion thereof, the committee rose and reported the same back to the senate, without amendment.

Mr. Mc Donell moved to amend by striking out all after the title, and submitting as follows:

Whereas applications have been made for a number of years at different sessions of the legislative council of the late territorial government, by several citizens of the county of Lenawee, by petition and otherwise, for the removal of the seat of justice from its present location at the village of Tecumseh to the village of Adrian in said county, and remonstrances have as often been presented by other citizens of said county opposed to such removal, and whereas the said application for the removal of said seat of justice is again renewed at this legislature, urging such removal as an act of justice to the people of said county, and remonstrances as here-



tofore are presented opposed to such removal, and whereas it is necessary that legislative action should be had on this subject, that justice and right may be done to all parties interested, and the public mind on this agitating question in said county, quieted,—

*Be it therefore enacted by the senate and house of representatives of the state of Michigan,* That the question for the removal of the seat of justice from the village of Tecumseh to the village of Adrian, in the county of Lenawee, shall be submitted at the election to be held on the first Monday of November next, and the succeeding day, for the removal of said seat of justice to the decision of the electors of said county, qualified by the constitution of this state to vote at elections.

Sec. 2. And if it shall appear by the vote given at such election that \_\_\_\_\_ of the whole number of the votes shall be in favor of said removal of said seat of justice, the same shall be located and established at the village of Adrian in said county in the manner by this directed.

Sec. 3. And at the election aforesaid, on such of the ballots as are for said removal, shall be written or printed the words 'for removal,' and on those which are opposed to the removal of said seat of justice, the words, 'against removal,' and the returns of the votes on the question for and against the removal of said seat of justice shall be transmitted by the county clerk of the county of Lenawee, one copy thereof to the governor, and another copy to the secretary of state, at any time before the first day of January next, and it shall also be the duty of the said county clerk to make a record of such returns in his office.

Sec. 4. That the proceedings had at such election, for and against the removal of said seat of justice, shall in all things be conducted, and the result certified and declared in the same manner, as near as may be, in conformity to the provisions of law relative to general elections in this state.

Sec. 5. If there shall be of the votes given at such election, in favor of the removal of said seat of justice, in the manner directed by this act, the governor shall cause proclamation to be made establishing said seat of justice in the village of Adrian in said county.

Said amendment was lost, by yeas and nays as follows:

Yeas—Messrs. Britain, Hough, McDonell,—3.

Nays—Messrs. Barry, Clark, Comstock, Davis, Ellis, Finch, Moody, Rumsey, Stockton,—9.

Mr. Britain thereupon offered an amendment, as an additional section to the bill, when on motion of Mr. Barry, the senate took a recess to 3 o'clock P.M.

#### AFTERNOON SESSION.

Three o'clock, P. M.

The senate met pursuant to adjournment.

Mr. McDonell laid the following resolution on the table:

*Resolved by the senate and house of representatives of the state of Michigan,* That the the fiscal agent of this legislature is authorized to advance to Alexander A. Stowell a sum not exceeding                    dollars, which sum the said fiscal agent shall deduct from the amount of the appropriation that shall be made in favor of the said A. H. Stowell for stationary furnished by him to this legislature in the month of, November last, which amount the auditor general shall settle with the fiscal agent in auditing the claim of the said A. H. Stowell in the general appropriation bill to be passed by this legislature.

The engrossed bill, entitled 'a bill making appropriations in part for the year 1836,' was read a third time and passed; and on motion of Mr. McDonell, the title was amended by adding thereto 'and fixing the pay of officers and members of the legislature.'

The senate having resumed the consideration of the bill entitled 'a bill to vacate the present seat of justice of the county of Lenawee,' &c.

Mr. Britain moved to strike out sec. 4, and insert in lieu thereof, as follows:—

'Sec. 4. The governor shall nominate and with the advice and consent of the senate shall appoint three disinterested persons who shall not at the time of their appointment be residents of Lenawee county—commissioners to locate the county seat for Lenawee county. Said commissioners shall within            days after their appointment proceed to locate the county seat at such place as in their opinion the great interests of the county may require, and they are hereby authorized to receive in behalf of the county, donations in lands money and materials to be applied for the benefit of the county in the erection of public buildings; and to assess the amount which shall be paid to the owner or owners of the buildings now used for county purposes for the use of said buildings from the time of their erection to the time when they shall cease to be used for county purposes:—

Said commissioners shall before entering upon the duties of said offices respectively take and subscribe the following oath or affirmation to wit: 'I do solemnly swear (or affirm as the case may be) that I will faithfully and without fear or favor, execute the duties of a commissioner to locate the county seat for Lenawee county according to the best of my ability, and that I am not either directly or indirectly interested in said county.'

Mr. Rumsey moved to strike out in said amendment so much as authorizes the commissioners to receive donations for the use of the county; which prevailed by yeas and nays as follows:—

Yeas—Messrs. Barry, Clark, Davis, Moody, Rumsey, Stockton—6.

Nays—Messrs. Britain, Comstock, Ellis, Hough, McDonnell—5.

On motion of Mr. Barry, the word 'great' before 'interests,' was stricken out.

And the amendment was then lost by yeas and nays, as follows:—

Yeas—Messrs. Britain, Hough, Rumsey—3.

Nays—Messrs. Barry, Clarke, Comstock, Davis, Ellis, McDonell, Moody, Stockton—8.

Mr. Hough moved to add to sec. 2, the following proviso:—

*'Provided, That before the seat of justice of Lenawee shall be established at Adrian, the citizens of said village interested in said location shall give a bond to the supervisors of said county to be by them approved for the payment of dollars to be paid when called on by the said supervisors, and to be applied towards the erection of county buildings.'*

Said amendment was lost by yeas and nays, as follows:—

Yeas—Britain, Ellis, Hough, McDonell—4.

Nays—Barry, Clark, Comstock, Davis, Moody, Rumsey, Stockton—7.

Several amendments being taken and lost, the bill was then read a third time, and passed.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the bill entitled 'a bill making appropriations in part for the year 1836, and fixing the pay of the officers and members of the legislature.'

A message from the house of representatives was received, informing the senate that they concurred in the several amendments made by the senate to the bill entitled 'a bill to authorize the supervisors of certain counties therein named to borrow certain sums of money,' with the exception of the proposed sixth section. On motion of Mr. Clark, a committee of conference on the part of the senate on said amendment was agreed to; and Messrs. Clark, Stockton and Moody were appointed said committee.

The senate then took up the bill entitled 'a bill amendatory to an act entitled 'an act relative to the duties and privileges of townships,' approved the 17th April, 1833.' Mr. McDonell moved to add to line 2, sec. 3, 'charter of said city, and the,' which was lost,

Mr. Ellis moved to strike out sec. 3; which motion prevailed by yeas and nays, as follows:

Yeas—Messrs. Barry, Clark, Comstock, Ellis, Moody Rumsey, Stockton—7.

Nays—Messrs. Davis, Hough, McDonell—3.

Mr. Hough thereupon moved to strike out all after the enacting clause, which was lost.

Mr. Barry moved to strike out, in lines 9 and 10, sec. 2, the words or refuse to take the oath or affirmation herein directed; which was lost, by yeas and nays, as follows:—

Yeas—Messrs. Barry, Britain, Ellis, Rumsey, Stockton—5.

Nays—Messrs. Clark, Comstock, Davis, Hough, McDonell, Moody—6.

Mr. Stockton moved that the bill and amendment reported by the select committee, be postponed until the next session of the legislature; which was lost, by yeas and nays, as follows:—

Yeas—Messrs. Barry, Clark, Rumsey, Stockton—4.

Nays—Messrs. Britain, Comstock, Davis, Ellis, Hough, McDonell, Moody—7.

Mr. Ellis moved to strike out section 2, and insert in lieu thereof, as follows:

‘Sec. 2. The person so elected, with the exception of such inferior officers as are excused from making an oath or affirmation by the existing laws, shall, before entering upon the duties of their respective offices, take the oath prescribed by the constitution of this state, and the oath designated by the third section of the act to which this act is amendatory.’

Which amendment prevailed, by yeas and nays, as follows:

Yeas—Messrs. Barry, Clark, Comstock, Ellis, Hough, Rumsey, Stockton—7.

Nays—Messrs. Britain, McDonell, Moody—3.

And the amendment, as amended, was then adopted; and the bill thereupon passed the senate.

A message from the house of representatives was announced, transmitting a bill entitled 'a bill to incorporate the stockholders of the Bank of Clinton;' which bill was read a first time, and by consent of three-fourths a second time, and, on motion of Mr. Barry, laid on the table.'

The general orders having been laid on the table, the senate, on motion of Mr. Hough, resolved itself into committee of the whole, Mr. Moody in the chair, on the bill entitled 'a bill to create a fund for the benefit of the creditors of certain monied corporations;' and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the senate then adjourned.

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FRIDAY, March 18, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent without leave:—Messrs. Durocher, Hascall.

Mr. Ellis presented the petition of Gilbert Palmer and others of Monroe county, for the organization of a new township; referred to the committee on towns and counties.

Mr. Hough, from the committee on incorporations, reported a bill entitled 'A bill to extend the limits of the city of Detroit,' which bill was read a first time, and, by consent of three-fourths, a second time, and laid on the table and ordered to be printed.

Mr. Rumsey, from the committee on internal improvements, to whom had been referred the petition of E. Ingersoll, reported a bill entitled 'A bill to authorize the building of a dam in Grand river,' which was read a first time, and by consent of three-fourths a second time, and ordered to be engrossed for third reading.

Mr. Moody, from the joint committee of conference on the amendments made by the senate and non-concurred in by the house, to the bill from the house of representatives, entitled 'A bill to authorize the board of supervisors of certain coun-

ties therein named to borrow certain sums of money, and for other purposes,' reported that said committee had instructed him to move that the senate recede from their amendment adopting the 6th section of said bill; and the senate thereupon so receded from said amendment.

Mr. McDonell gave notice that, on some future day, he should ask leave to bring in a bill for the better regulation of the office of county treasurer.

Mr. Davis, from the select committee appointed for that purpose, brought in a bill entitled 'A bill to authorize the sale of certain lands;' which bill, having been read a first time, and by consent of three-fourths a second time, was laid on the table and ordered to be printed.

The resolution yesterday laid on the table by Mr. McDonell, was taken up, and the necessary rule being suspended as to a second and third readings, and the blank being filled with 'five hundred,' the resolution was adopted.

The engrossed bill from the house of representatives, entitled 'A bill authorizing the boards of supervisors of the counties of Washtenaw and St. Clair to raise money to erect public buildings,' was read a third time, and, on motion of Mr. Stockton, laid on the table.

The engrossed bill, entitled 'A bill to amend an act entitled "an act to incorporate the Black river steam-mill company," having been read a third time, the blank, on motion of Mr. Comstock, was filled with 'one hundred thousand dollars.'

And the question being on the passage of the bill, Mr. Britain moved to commit the bill to a select committee of one from each senatorial district; which motion was lost by yeas and nays, as follows:

Yeas—Messrs. Britain, Davis, Ellis, Rumsey, Ten Eyck, President pro tem.—6.

Nays—Messrs. Clarke, Comstock, Hough, McDonell, Moody, Stockton—6.

Mr. Comstock moved an amendment, which, being se-

conded by a majority, was received for discussion, being as follows:

'The said company shall not have power to purchase and hold any more real estate than is now owned by said company, in any wise, or in consequence of the passage of this act.'

Mr. Britain moved to amend said amendment by striking out all after 'hold,' and inserting as follows:

'Any real estate except such as was owned by the estate of the late Francis P. Browning, and such wharf or wharves as may be necessary for the prosecution of the business of said company.'

Which amendment prevailed by yeas and nays, as follows:

Yeas—Messrs. Britain, Davis, Ellis, Hough, Rumsey, Ten Eyck, President pro tem.—7.

Nays—Messrs. Clarke, Comstock, McDonell, Moody, Stockton—5.

And the amendment as amended was then adopted.

The question then recurred on the passage of the bill; it was lost by yeas and nays, as follows:

Yeas—Messrs. Clarke, Comstock, McDonell, Moody, Stockton—5.

Nays—Messrs. Britain, Davis, Ellis, Hough, Rumsey, Ten Eyck, President pro tem.—7.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the bill entitled 'A bill amendatory to an act entitled "an act relative to the duties and privileges of townships," approved the 17th April, 1833;' and a 'resolution authorizing the fiscal agent to advance to A. H. Stowell a certain sum of money.'

A message was received from the house of representatives returning to the senate the bill entitled 'A bill amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes,' without amendment; and the 'resolution relative



to adjournment,' with an amendment striking out '22' and inserting '28.'

The question being upon concurring in said amendment, the resolution and amendment were, on motion of Mr. Britain, laid on the table.

The senate thereupon again resolved itself into committee of the whole. Mr. Moody in the chair, on the bill entitled A bill to create a fund for the benefit of the creditors of certain moneyed corporations; and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

Mr. Rumsey moved that the senate take a recess to 3 o'clock, P. M.

Mr. Clark moved that the senate adjourn; which was lost by yeas and nays, as follows:

Yeas—Messrs. Clark, Comstock, Ellis, Stockton, President pro tem.—5.

Nays—Messrs. Britain, Davis, Hough, McDonell, Moody, Rumsey, Ten Eyck—7.

The president pro tem., in pursuance of the third rule of the senate, called Mr. McDonell to the chair.

Mr. Davis moved that the senate take a recess to half-past two o'clock.

Mr. Ellis moved to amend by substituting six o'clock, which amendment was lost, by yeas and nays, as follows:

Yeas—Messrs. Barry, Clarke, Comstock, Ellis, Stockton, —5.

Nays—Messrs. Britain, Davis, Hough, Moody, Rumsey, Ten Eyck, Chairman—7.

And the senate thereupon took a recess to half-past two o'clock, P. M.

#### AFTERNOON SESSION.

Half-past Two o'clock, P. M.

A quorum not being present, the roll being called, the following members were absent without leave: Messrs. Barry;

Clarke, Comstock, Durocher, Ellis, Hascall, Stockton; absent on leave, Messrs. Finch, Raynale.

On motion, adjourned.

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SATURDAY, March 19, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent without leave: Messrs. Durocher, Hascall.

Mr. Britain from the committee on towns and counties, to whom was referred a bill from the house of representatives entitled 'a bill to organize certain townships,' reported the same back without amendment; and the bill was ordered to a third reading, and on motion of Mr. Moody then laid on the table.

Mr. Britain, from the same committee, to whom had been referred the bill from the house of representatives entitled 'a bill to organize certain counties,' also reported the same back without amendment; and the bill, was ordered to a third reading.

Mr. Comstock moved to amend by inserting an additional section as sec. 3, with the other necessary amendments to the bill, which being seconded by a majority were received for discussion; whereupon on motion said bill and amendments were laid on the table.

A message from the house of representatives was announced, informing the senate of their concurrence in the bill entitled 'a bill to incorporate the Niles main street free bridge company,' and in the resolution 'authorizing the fiscal agent to advance to A. H. Stowell a certain sum of money,' and transmitting a bill entitled 'a bill to provide for the opening and keeping in repair the state roads of this state.'

Mr. Britain from the committee on towns and counties, to whom had been referred certain petitions for the organization of certain new townships, reported a bill entitled 'a bill to organize certain townships,' which having been read a first time, and by consent of three-fourths a second time, was ordered to be engrossed for third reading.

On motion of Mr. Moody,

The bill from the house of representatives laid on the table this morning, was taken up for a third reading, and the question being on filling a blank in sec. 25, the bill was laid on the table.

The bill from the house of representatives entitled 'a bill to provide for the opening and keeping in repair the state roads of this state,' was read a first time, and by consent of three-fourths a second time, and on motion laid on the table.

Mr. Ellis from the committee on enrolment, reported as correctly engrossed the 'resolution authorizing the fiscal agent to advance to A. H. Stowell a certain sum of money.'

The resolution relative to the adjournment of the legislature, with the amendment made thereto in the house of representatives being taken up, the senate concurred in said amendment, being to strike out 'Tuesday the 22nd,' and insert 'Monday the 28th;' the resolution as amended being as follows:

*Resolved*, That the legislature will adjourn on Monday the 28th instant, sine die.

Mr. McDonell, in pursuance of previous notice asked and obtained leave to bring in a bill for the better regulation of the office of county treasurer; and Messrs. McDonell, Ellis, and Britain were appointed a committee to bring in said bill.

Mr. McDonell from said committee, brought in a bill entitled 'a bill for the better regulation of the office of county treasurer;' which bill having been read a first time was laid on the table, and ordered to be printed.

Mr. Ellis, in pursuance of former notice, asked and obtained leave to bring in a bill in addition to an act entitled 'an act to amend an act to incorporate the Erie and Kalamazoo railroad company,' and Messrs. Ellis, McDonell, and Ten Eyck were appointed a committee to bring in said bill.

The 'resolution authorizing the fiscal agent to advance A. H. Stowell a certain sum of money,' was presented to the governor for his signature.

The engrossed bill entitled 'a bill to authorize the building of a dam in the Grand river,' was read a third time, and the the question being on the passage of said bill, Mr. Britain moved to lay it on the table, which was lost: and the question recurring on the final passage of said bill, was decided in the negative by yeas and nays as follows:

Yeas—Messrs. Britain, Davis, Finch, Hough, McDonell, Rumsey,—6.

Nays—Messrs. Barry, Clark, Comstock, Ellis, Moody, Stockton, Ten Eyck,—7.

The vote on the final passage of said bill, on motion of Mr. Moody, having been reconsidered, the senate thereupon went into committee of the whole, Mr. Clark in the chair, on said bill; and after some time spent therein, the committee rose, and through their chairman reported the same back to the senate.

The question recurring on the passage of the bill, the bill, on motion of Mr. Britain, was committed to the committee on internal improvements.

On motion of Mr. Moody,

The bill from the house of representatives entitled 'A bill to organize certain townships,' was again taken up, and the blanks in said bill having been filled and the bill having been read a third time, the bill passed the senate by yeas and nays as follows:

Yeas—Messrs. Britain, Clark, Comstock, Davis, Finch, Hough, McDonell, Moody, Rumsey, Ten Eyck,—10.

Nays—Messrs. Barry, Stockton,—2.

The votes on committing the several bills, entitled 'a bill to incorporate the St. Clair and Grand river railroad company,' 'a bill to incorporate the Palmyra and Jacksonburg railroad company,' and a bill to incorporate the Kalamazoo and Lake Michigan railroad company,' to committee of the whole, having been reconsidered, said bills were committed to a select committee of three, with instructions to report them in conformity with the provisions of the bill to incorporate the

Allegan and Marshall railroad company: and Messrs. Clark, Stockton, and Comstock, were appointed said select committee.

The senate thereupon adjourned till 8 o'clock P. M.

AFTERNOON SESSION.

Three o'clock, P. M.

The senate met pursuant to adjournment.

The senate again resolved itself into committee of the whole, Mr. Moody in the chair, on the bill entitled 'A bill to create a fund for the benefit of the creditors of certain moneyed corporations;' and after some time spent thereon, the committee rose, and through their chairman reported the same back to the senate with amendments, in which they asked the concurrence of the senate.

The senate thereupon having concurred in several of said amendments, and the question being on an amendment made by committee of the whole to section 26, the bill and amendment, on motion of Mr. Britain, was laid on the table.

The bill from the house of representatives, entitled 'A bill to authorize the boards of supervisors of the counties of Washtenaw and St. Clair to raise money to erect public buildings,' which had been read a third time, having been taken up, and the question being on striking out section 2, (making the necessary verbal alterations in section 3,) was agreed to; and the bill so amended then passed the senate; and the title was amended so as to read 'A bill authorizing the board of supervisors of the county of Washtenaw to raise money to erect public buildings.'

Mr. Clark, from the select committee to whom had been reported the bill entitled 'A bill to incorporate the St. Clair and Grand river railroad company,' reported the same back with certain amendments; and the bill and amendments were laid on the table.

The senate then went into committee of the whole, Mr. Finch in the chair, on the bill from the house of representa-

tives, entitled 'A bill concerning the record of deeds and other conveyances of land;' and after some time spent thereon, the committee rose, and through their chairman reported the same back without amendment.

The senate concurred in said report, and the bill was then read a third time and passed.

A message from the Executive, received through the secretary of state, was announced, as follows :

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state, a resolution entitled "A resolution authorizing the fiscal agent to advance to A. H. Stowell a certain sum of money."

STEVENS T. MASON.

March 19, 1836.'

A message from the house of representatives was announced, transmitting two bills entitled 'A bill to incorporate the stockholders of the Bank of St. Clair,' and 'A bill to incorporate the stockholders of the Bank of Calhoun county,' which were laid on the table.

And the senate then adjourned.

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MONDAY, March 21, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent without leave: Messrs. Durocher, Hascall.

Mr. McDonell, from the committee on finance, to whom had been referred a communication from the executive, accompanying a report from the secretary of state in relation to the negotiation for a state loan, reported the same back, and moved that the message and report be spread upon the journal; which report was adopted, and said documents were ordered to be entered on the journal.

(See Senate document No. 11.)

Mr. McDonell, from the same committee, to whom had been referred communications from the auditor general and

treasurer, reported the same back, and moved that they be ordered to be spread upon the journal; and they were so ordered.

*(See Senate documents No's. 12 and 13.)*

Mr. McDonell, from the same committee, to whom had been committed a communication from the president of the Michigan state bank, reported the same back to the senate; and on motion said communication was ordered to be entered upon the journal.

*(See Senate document No. 14.)*

Mr. Barry, from the committee on the judiciary, to whom had been referred a resolution instructing them to report a bill providing for the election of state officers, brought in a bill entitled 'a bill to provide for the election of members of the legislature in 1836, and to create a board of state canvassers;' which bill was read a first time, and by consent of three-fourths a second time, and laid on the table.

Mr. Comstock, from the committee on literature, to whom had been referred a petition of inhabitants of Mottville, for the incorporation of an academy at that place, reported a bill entitled 'a bill to incorporate an academy at Mottville, in St. Joseph county;' which bill was read a first time, and by consent of three-fourths a second time, and laid on the table.

Mr. Ellis, from the select committee appointed for that purpose, brought in a bill entitled 'a bill in addition to an act entitled an act to amend an act entitled act to incorporate the Erie and Kalamazoo railroad company;' which bill was read a first time, and by consent of three-fourths a second time, and committed to committee of the whole.

Mr. Clarke asked and (the necessary rule being suspended) obtained leave to bring in a bill to authorize the supervisors of St. Clair county to loan a certain sum of money; and Messrs. Clarke, Stockton and Moody were appointed a committee to bring in said bill.

Mr. Clarke, from said committee, brought in a bill entitled 'a bill to authorize the supervisors of St. Clair county to loan

a certain sum of money;' which, having been read a first time, and by consent of three-fourths a second time, was ordered to be engrossed for third reading.

Mr. Ellis presented the petition of Moscs B. Savage and others of Monroe, for the sale of certain church property : referred to a select committee of three : and

Messrs. Ellis, McDonell and Hough, were appointed said committee.

Mr. McDonell gave notice that he should, on some future day, ask leave to bring in a bill to incorporate the Detroit Benevolent Carpenters and Joiners' Society.

On motion of Mr. Hough,

*Resolved*, That the secretary of the senate be, and he is hereby directed to prepare the senate documents of this session for publication, and to superintend the printing of them and the senate journal of this session in proper form ; and to furnish a copy of each, properly bound, to the president of the senate and each member thereof, at the expense of the state; together with a copy of the laws of this session, to be published under the direction of the secretary of state.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled 'an act amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes;' 'an act to amend an act entitled an act to incorporate the village of St. Joseph,' and 'an act to incorporate the Niles Main-street Free Bridge company.'

On motion of Mr. Davis,

The senate took up the bill, entitled 'A bill to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan, and for other purposes,' together with the amendment reported from the committee on the militia.

Mr. Davis moved to amend said amendment, by inserting the following as section 3, which was adopted.

Sec. 3. The boards of supervisors of the counties of Mon-



roe and Lenawee are hereby authorized and required to examine and certify the accounts of any and all individuals who may have aided the civil authorities of their respective counties, or who may have furnished money or other means for that purpose, pursuant to the order of any proper officer, during the late disturbances on the disputed territory; and to forward a statement of such accounts, prior to the first Monday in January next, to the auditor general, who shall communicate the same to the legislature immediately thereafter.

The question then being on the amendment as above amended, the senate, on motion of Mr. Comstock, went into committee of the whole, Mr. Clarke in the chair, on the bill and amendment; and after some time spent thereon, the committee rose, and through their chairman reported the bill and amendment back to the senate without further amendment.

Mr. Barry moved that the bill and amendment be recommitted to the committee on the militia, which was lost.

Mr. McDonell moved that they be referred to a select committee of three :

Mr. Britain moved to lay the bill, with the amendment, on the table, which was lost; and the question recurring on referring to a select committee, was agreed to.

Messrs. McDonell, Davis and Barry, were appointed that select committee.

The three enrolled bills, entitled 'An act amendatory to the act herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes ;' 'An act to amend an act entitled, an act to incorporate the village of St. Joseph;' and 'An act to incorporate the Niles Main-street Free Bridge company,' were presented to the governor for his signature.

On motion of Mr. Stockton,

*Resolved*, That the adjutant general be requested to furnish the senate with a copy of the muster rolls of the militia called into service for the purpose of maintaining the supremacy of the laws.

The engrossed bill, entitled 'A bill to organize certain townships,' was read a third time, and, on motion of Mr. Comstock, laid on the table.

A message from the Executive was received through the secretary of state, as follows :

*'To the senate—*

I have this day approved and filed in the office of the secretary of state the following acts, viz:

'An act to vacate the present seat of justice of the county of Lenawee and establish the same at the village of Adrian, in said county;'

'An act to incorporate the Niles Main-street Free Bridge company;'

'An act to amend an act entitled 'an act to incorporate the village of St. Joseph;'

'An act amendatory of the acts herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes.'

STEVENS T. MASON.

Detroit, March 21, 1836.'

On motion of Mr. Barry,

The bill reported this morning by the judiciary committee, was ordered to be engrossed for third reading.

The bill entitled 'A bill to extend the limits of the city of Detroit,' having been taken up, and the question being on an amendment offered by Mr. Comstock, to section 2; the senate on motion of Mr. Comstock, took a recess to 3 o'clock, P.M.

AFTERNOON SESSION.

Three o'clock P. M.

The senate met pursuant to adjournment.

The senate having resumed the consideration of the bill entitled 'a bill to extend the limits of the city of Detroit.' Mr. McDonell moved to strike out line 2, and the word 'in,' line 3, and insert after 'Detroit' in said line, 'according to the provisions of the city charter,' which was agreed to; and the

bill was thereupon ordered to be engrossed for third reading.

The bill from the house of representatives entitled 'a bill to provide for opening and keeping in repair state roads,' having been taken up, Mr. Comstock moved to lay the bill on the table; which motion did not prevail.

Mr. Britain moved to strike out all after the word 'pass' and insert 'and subject to be by them opened and kept in repair, in the same manner as township roads may be by them opened and kept in repair;' which was agreed to, and the amendments were ordered to be engrossed, and the bill to a third reading.

And the bill was thereupon read a third time and passed.

And the title, on motion of Mr. Ellis, was amended by striking out the present title, and substituting in lieu thereof 'a bill relative to state roads.'

On motion of Mr. Clark the necessary rule being suspended, the engrossed bill entitled 'a bill to authorize the supervisors of St. Clair county to loan a certain sum of money,' was read a third time and passed.

Mr. Comstock, from the committee on the library, brought in a bill entitled 'a bill repealing the act entitled an act to provide for the appointment of librarian, approved the 16th April, 1828, which having been read a first time, and by consent of three-fourths a second time, was ordered to be engrossed for third reading to-morrow.

The bill from the house of representatives entitled 'a bill for the organization of certain counties,' having been taken up, the vote on adopting an additional section as section three, having been reconsidered, and leave having been given, Mr. Comstock withdrew his amendments; and the bill was then read a third time and passed.

The bill entitled 'a bill to provide a fund for the benefit of the creditors of certain monied corporations,' having been taken up, and the question being on the adoption of the following amendment: to add to section 26, as follows: 'and for

any such excess and for all deficit, occasioned by the insolvency of any bank hereafter created, or the charter of which shall be renewed or extended, the directors in the first place, shall be liable in their individual capacity, in the full amount of their real and personal property; and each other stockholder shall thereafter also be liable to the amount of stock which he shall hold in said bank, in proportion to his or her amount of stock: *Provided*, That any director who, if present, shall enter his protest, or if absent, shall within five days after his return to said bank, enter his protest against certain loans, discounts or issues, shall not be liable further than other stockholders for the debts or losses accruing from such loans, discounts or issues.'

Said amendment was lost by yeas and nays as follows:

Yeas—Messrs. Clark, Ellis, Stockton, President pro tem—4.

Nays—Messrs. Britain, Comstock, Davis, Finch, Hough, McDonell, Moody, Raynale, Rumsey, Ten Eyck—10.

Mr. Comstock moved to amend by adding as an additional section to said bill, as follows; which was agreed to:—

'Sec. 34. Every monied incorporation of this state heretofore existing may become subject to this act upon complying with its provisions.'

On motion of Mr. Ellis, the bill entitled 'a bill to incorporate the stockholders of the Monroe and Ann Arbor railroad company,' was recommitted to the select committee who reported the bill: and leave being granted, Mr. Ellis from said committee, reported a substitute for said bill, entitled as above.

On motion of Mr. Rumsey, the word 'two' sec. 4 line 1, was struck out, and 'four' inserted in lieu thereof; and the word 'four' line 2, was struck out and 'six' inserted.

Mr. Hough moved to add as an additional section to the bill, as follows:

'Sec. The legislature shall at all times have power to alter or amend this act.'

Said amendment was lost, by yeas and nays, as follows:

Yeas—Messrs. Ellis, Hough—2.

Nays—Messrs. Britain, Clarke, Comstock, Davis, Finch, McDonell, Moody, Rumsey, Stockton, Ten Eyck, President pro tem—11.

And the bill was then ordered to be engrossed for third reading.

On motion of Mr. McDonell, the senate then resolved itself into committee of the whole, Mr. Rumsey in the chair, on the bill entitled 'a bill to incorporate Marshall Academy at White Pigeon; and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked leave to sit again; which leave was not granted.

The senate then concurred in the amendment made in committee of the whole, being to and after the word 'property' as follows: 'necessary for the use of said company, not exceeding                      thousand dollars.'

Mr. McDonell moved to fill the blank in said amendment with 'five;' whereupon, on motion of Mr. Britain, the bill was laid on the table.

The bill entitled 'a bill to incorporate the St. Clair and Grand River railroad company,' having been taken up; on motion of Mr. Hough the names of William Black, Ebenezer Raynale, and N. O. Sargeant' were added to the names of the commissioners in section 1.

And the amendment as amended, was adopted.

Mr. Raynale moved to strike out in section 3, 'the counties of Lapeer, Genesee, Shiawassee, Clinton,' and insert 'the county seats of Lapeer and Genesee, crossing the Shiawassee river at the lower Indian village in Shiawassee county, also passing through the county seat of Clinton county.' Mr. Comstock moved to amend by adding to the above amendment 'or as near to said places as may be practicable,' which was accepted by the mover of the amendment; Mr. McDonell moved to lay the bill on the table—lost.

Mr. Rumsey moved that the senate adjourn; which was lost.

On motion of Mr. Clark, the bill and amendments were then laid on the table.

A message from the house of representatives was announced informing the senate, of the passage in that body, of bills entitled as follows; 'a bill to incorporate the village of Adrian,—a bill to incorporate the St. Clair and Romeo railroad company,' and 'a bill to lay out a state road from Edwardsburgh to Allegan,' which bills were severally read a first time, and by consent of three-fourths a second time, and committed to committee of the whole.

The message from the house of representatives also informed the senate of the passage in that body of 'a bill to establish a court of chancery and for other purposes,' which bill having been read a first time, and by consent of three-fourths a second time, was committed to the committee on the judiciary.

The message further informed the senate that the house had passed the bill entitled 'a bill to establish the divisionary line between the townships of Cottrelville and Clay in the county of St. Clair,' without amendment.

The senate then adjourned.

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TUESDAY, March 22, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent without leave: Messrs. Durocher, Hascall.

Mr. Ellis from the committee on enrolment, reported as correctly engrossed, the bill entitled 'a bill to authorize the supervisors of St. Clair county to loan a certain sum of money;' and the amendments to the bill from the house of representatives entitled 'a bill to provide for opening and keeping in repair the state roads of this state.'

Mr. Ellis, from the select committee, to whom had been referred the petition of Moses B. Savage and others, brought

in a bill entitled 'a bill to authorize the sale of a certain lot, in the village of Monroe and for other purposes,' which having been read a first time, and by consent of three-fourths a second time, was, on motion of Mr. Barry, amended by inserting after the word 'lots' the words 'not exceeding two in number;' and the bill was then ordered to be engrossed for third reading.

Mr. Clark from the select committee to whom had been referred the bills entitled, 'a bill to incorporate the Palmyra and Jacksonburg railroad company, and 'a bill to incorporate the Kalamazoo and lake Michigan railroad company,' reported the same back amended in accordance with the instructions given to said committee.

The senate thereupon concurred in the amendments to each of said bills; and they were severally ordered to be engrossed for third reading.

A message from the house of representatives was received through their clerk as follows:

'Mr. President—

I am directed to forward to the senate, for their concurrence, the following bills.

'A bill to incorporate the members of the Detroit young men's society.'

'A bill to incorporate the Shelby and Belle river railroad company.'

'A bill to authorize the governor to confirm the location of the seat of justice of the county of Van Buren.'

'A bill to incorporate the Clinton and Adrian railroad company.'

'A bill to incorporate the river Raisin and lake Erie railroad company.'

The bill from the house of representatives entitled 'a bill to incorporate the members of the Detroit young men's society,' was thereupon read a first time, and by consent of three-fourths a second time, and committed to committee of the whole.

The bill from the house of representatives entitled 'a bill to incorporate the Clinton and Adrian railroad company,' having been read a first and second time, was committed to committee of the whole.

The bill from the house of representatives entitled 'a bill to incorporate the river Raisin and lake Erie railroad company,' and 'a bill to incorporate the Shelby and Belle river railroad company,' were also severally read a first and second time, and committed to committee of the whole.

The bill from the house of representatives entitled, 'a bill to authorize the governor to confirm the location of the seat of justice in the county of Van Buren,' having been read a 1st and 2nd time; Mr. Comstock moved that the senate do now resolve itself into committee of the whole on said bill which was lost, and the bill on motion of Mr. Barry, was then committed to committee of the whole.

Mr. Barry from the committee on the judiciary, to whom had been referred the bill from the house of representatives entitled 'a bill to establish a court of chancery and for other purposes,' reported the same back without amendment, and the bill, on motion of Mr. Barry, was committed to committee of the whole, and made the special order of the day for to-morrow.

Mr. McDonell, in pursuance of previous notice, asked leave to bring in a bill to incorporate the Detroit carpenters' and joiners' benevolent society; which leave was not granted.

On motion of Mr. Clark,

The vote on granting leave was reconsidered, and the question recurring on granting leave, leave was granted, and Messrs. McDonell, Ellis, and Hough, were appointed a committee to bring in said bill.

Mr. McDonell, from said committee, brought in a bill entitled 'a bill to incorporate the Detroit house carpenters' and joiners' mutual benefit society;' which having been read a first time, and by consent of three-fourths a second time, was



on motion of Mr. Comstock, committed to committee of the whole.

The engrossed bill entitled, 'a bill to extend the limits of the city of Detroit,' was read a third time, whereupon Mr. Moody moved to strike out section 2, which being seconded by a majority, was received for discussion, and the senate did not concur in said amendment.

The question being on the passage of said bill, Mr. Britain moved to amend by adding to section 2, as follows: and a residence in said district shall be construed to be a residence in said city of Detroit for all purposes whatever;' which amendment being seconded by a majority, was adopted' and the bill then passed the senate, two thirds voting in the affirmative, by yeas and nays as follows:

Yeas—Messrs. Barry, Britain, Comstock, Davis, Finch, Hough, McDonell, Moody, Raynale, Rumsey, Ten-Eyck, —11.

Nays—Messrs. Ellis, Stockton,—2.

The president announced a communication from the Adjutant General, in pursuance of the resolution yesterday adopted by the senate: referred to the select committee to whom had been committed the bill entitled 'a bill to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan, and for other purposes.'

The engrossed bill entitled, 'a bill to provide for the election of members of the legislature in 1836, and to create a board of state canvassers,' was read a third time and passed.

The engrossed bill entitled 'a bill repealing the act entitled an act to provide for the appointment of librarian, approved the 16th of June, 1828,' was also read a third time and passed.

The bill entitled 'a bill to incorporate the St. Clair and Grand river railroad company' having been taken up, and the question being on the amendment yesterday offered by Mr. Raynale, as modified, prevailed.

Mr. Hough moved to strike out in line 1, section 4, the word 'four' and insert 'two,' which was lost by the yeas and nays as follows:

Yeas—Messrs. Britain, Davis, Hough,—3.

Nays—Messrs. Barry, Clark, Comstock, Ellis, Finch, McDonell, Moody, Raynale, Rumsey, Stockton, Ten Eyck,—11.

On motion of Mr. Britain,

The word 'four,' line 1, was struck out, and the word 'three' inserted.

On motion of Mr. Hough,

The word 'eight,' line three, was struck out, and 'six' inserted.

On motion of Mr. Britain,

The word 'twelve,' line 6, was struck out, and 'eight' inserted.

And on motion of Mr. Hough,

The word 'thirty' was struck out, and 'fifteen' inserted in lieu thereof.

Mr. Hough moved to amend the bill by adding the following as an additional section, which was lost by yeas and nays as follows:

Yeas—Messrs. Ellis, Hough.

Nays—Messrs. Barry, Britain, Clark, Comstock, Davis, Finch, McDonell, Moody, Raynale, Rumsey, Stockton, Ten Eyck—12.

'Sec. The legislature may at any time alter or amend this act.

On motion of Mr. Ellis,

The word 'two' line 2, section 22, was struck out, and the word 'three' substituted.

Mr Rumsey moved to strike out section 21, which was lost.

And the bill, on motion of Mr. Clark, was ordered to be engrossed for third reading.

The senate on motion of Mr. Barry, then resolved itself

into committee of the whole, Mr. Hough in the chair, on the bill entitled 'a bill to incorporate Marshall Academy at White Pigeon;' and after some time spent thereon, the committee rose, and through their chairman, reported the same back with sundry amendments, in which they asked the concurrence of the senate.

The senate thereupon concurred in the first amendment to strike out in section 1, all after the word 'trustees' line 8, and insert as follows: 'that the first meeting of trustees under this act, shall be held on the first Monday of May next, and shall hold their office until their successors are chosen in the manner hereinafter provided;' and thereupon also concurred in the second amendment made in committee of the whole, to add as additional sections, sec's. 2, 3, 4 and 5: and the question being on adopting the substitute for section 6, reported from the committee of the whole; Mr. Stockton moved a call of the senate.

Whereupon, on motion of Mr. Clark, the senate adjourned to 3 o'clock, P.M.

#### AFTERNOON SESSION.

Three o'clock, P. M.

The senate met pursuant to adjournment.

The question being on the adoption of the substitute for section 6, reported by committee of the whole, the yeas and nays being called for, Mr. Finch moved a call of the senate, which being sustained the following members were absent:—Messrs. Britain, Clark, Durocher, Hascall, McDonell, Moody.

Further proceedings on the call being suspended, the senate concurred in the amendment to sec. 6, made by committee of the whole, by yeas and nays as follows:

Yeas—Messrs. Barry, Comstock, Davis, Ellis, Finch, Hough, Raynale, Ten Eyck—8.

Nays—Messrs. Rumsey, Stockton,—2.

On motion of Mr. Ellis,

The names of 'A. B. Brown' and 'Luther Humphrey' were

struck out, and the names 'George Bowman' and 'David Clark' were inserted.

And the bill was thereupon ordered to be engrossed for third reading.

Mr. Ellis from the committee on enrolment, reported as correctly engrossed, three bills entitled as follows, viz: 'a bill to extend the limits of the city of Detroit;' 'a bill to provide for the election of members of the legislature in 1836, and to create a board of state canvassers;' and 'a bill repealing an act entitled an act to provide for the appointment of librarian, approved the 16th June, 1828.'

The senate, on motion of Mr. Hough, having taken up the bill from the house of representatives entitled 'a bill to incorporate the stockholders of the Bank of Clinton;' thereupon, on motion of Mr. Davis, resolved itself into committee of the whole, Mr. Clark in the chair, on said bill; and after some time spent thereon, the committee rose, and thro' their chairman reported the same back with amendments, in which they asked the concurrence of the senate.

And the senate concurred in said amendment.

Mr. Britain moved to strike out 'seven' in sec. 18; which was agreed to; and on motion of Mr. Hough, the word 'one' in section 22, was struck out.

Mr. Barry having moved an amendment to add an additional section to the bill; the bill and amendments, on motion of Mr. Britain were laid on the table, by yeas and nays as follows.

Yeas—Messrs. Barry, Britain, Comstock, Davis, Finch, Hough, Raynale, Rumsey, Ten Eyck—9.

Nays—Messrs. Clarke, Ellis, Moody, Stockton,—4.

The vote on committing the bill from the house of representatives entitled 'a bill to incorporate the St. Clair and Romeo railroad company,' to committee of the whole, on motion of Mr. Clark, having been reconsidered; the bill was committed to a select committee; and Messrs. Clarke, Stockton and Ten Eyck, were appointed said committee.

The senate then resolved itself into committee of the whole, Mr. Ellis in the chair, on the bill from the house of representatives entitled 'a bill to incorporate the village of Adrian; and after some time spent thereon, the committee rose, and through their chairman reported the same back to the senate, without amendment.

Mr. Rumsey moved to commit said bill to the committee on incorporations; which was lost.

On motion of Mr. Britain,

The word 'town' wherever it occurs, except in sec. 1, line 4, before the word 'corporate,' was ordered to be stricken out, and the word 'village' inserted; and on motion of Mr. Comstock, the words 'town council' where they occur, were ordered to be struck out, and the words 'president and trustees' substituted. And the amendments were ordered to be engrossed, and the bill to a third reading.

And the bill was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Clarke, Comstock, Davis, Ellis, Finch, Hough, Moody, Raynale, Rumsey, Ten Eyck—12.

Nays—0.

The senate then resolved itself into committee of the whole. M. Davis in the chair, on the bill from the house of representatives entitled 'a bill to lay out a state road from Edwardsburg to Allegan'; and on the bill entitled 'a bill in addition to an act entitled an act to amend an act entitled an act to incorporate the Erie and Kalamazoo railroad company'; and after some time spent thereon, the committee rose, and through their chairman reported the same back with amendments, in which they asked the concurrence of the senate.

The senate thereupon concurred in said amendment made to the first of said bills, being to add an additional section to said bill, to stand as section 2; and the senate also concurred

in the amendment to the second of the above bills, being to strike out the words 'and nineteenth' in section 3.

The amendment to the first of said bills, was then ordered to be engrossed, and the bill to a third reading; and the bill was read a third time and passed: and the title, on motion of Mr. Britain, was amended so as to read 'a bill to provide for laying out certain state roads.'

Mr. Hough then moved to amend the second of the above bills by adding as an additional section, as follows:

'The legislature shall have power, at any time, to alter or amend this act; but such alteration or amendment shall not divert the property or funds of said company, from the purposes herein expressed.'

Which amendment was lost, by yeas and nays, as follows.

Yeas—Messrs. Ellis, Hough—2.

Nays—Messrs. Britain, Clarke, Comstock, Davis, Finch, Moody, Raynale, Rumsey, Ten Eyck—9.

And the bill was ordered to be engrossed for third reading.

The engrossed bill entitled 'a bill to create a fund for the benefit of the creditors of certain moneyed corporations,' was read a third time and passed.

The bill entitled 'a bill to incorporate the Tremainville Forge and Iron Foundry,' which had been committed to committee of the whole, was on motion of Mr. Ellis, laid on the table.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed the bill entitled 'a bill to create a fund for the benefit of the creditors of certain moneyed corporations.'

On motion of Mr. Clarke, the engrossed bill entitled 'a bill to incorporate the stockholders of the St. Clair and Grand river railroad company,' was read a third time; and the bill then passed, two-thirds voting in the affirmative by yeas and nays as follows:

Yeas—Messrs. Britain, Clarke, Comstock, Davis, Ellis, Finch, Moody, Rumsey, Ten Eyck—9.

Nay—Mr. Hough—1.

And the senate adjourned.

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WEDNESDAY, March 23, 1836.

The senate met, pursuant to adjournment.

The roll being called the following members were absent without leave: Messrs. Durocher, Hascall, Rumsey.

Mr. McDonell presented certain claims against the legislature during their present session : referred to the joint committee of ways and means.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the amendments to the bills from the house of representatives, entitled 'A bill to incorporate the village of Adrian,' and 'A bill to lay out a state road from Edwardsburg to Allegan.'

Mr. Clarke, from the select committee to whom had been committed the bill from the house of representatives, entitled 'A bill to incorporate the St. Clair and Romeo railroad company,' reported the same back without amendment ; the bill corresponding precisely with the provisions of the bill, in accordance to which they had been instructed to amend it.

The bill was thereupon ordered to a third reading, and the bill was read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Clarke, Comstock, McDonell, Moody, Raynale, Ten Eyck—8.

Nays—Mr. Hough—1.

Mr. Moody gave notice that to-morrow he would ask leave to bring in a bill to lay out and establish a state road from the county seat of Shiawassee county to the county seat of Clinton county.

Mr. Hough gave notice that he would, on some future day, ask leave to bring in a bill to incorporate the Mackinac and Saginaw railroad company.

On motion of Mr. Britain,

Leave of absence was granted to Mr. Finch during his sickness.

The engrossed bill, entitled 'A bill to incorporate the stockholders of the Monroe and Ann Arbor railroad company,' was read a third time; and, on motion of Mr. Britain, (the amendment being seconded by a majority,) amended by inserting in section 1, as additional commissioners, the names of 'Orange Risdon' and 'Orrin Howe;' and the bill was then, on motion of Mr. Britain, laid on the table.

The engrossed bill, entitled 'A bill to incorporate the Marshall Academy at White Pigeon, having been taken up, and the blanks in said bill having been filled, the bill was read a third time and passed, two-thirds voting in the affirmative.

The engrossed bill, entitled 'A bill in addition to an act entitled an act to amend an act entitled an act to incorporate the Erie and Kalamazoo railroad company,' was read the third time and passed, two-thirds voting in favor of the passage of said bill.

The engrossed bill, entitled 'A bill to authorize the sale of a certain lot in the village of Monroe, and for other purposes,' was read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Clark, Comstock, Davis, Ellis, Hough, McDowell, Moody, Raynale, Stockton, Ten Eyck—12.

Nays—0.

The senate, on motion of Mr. Comstock, then resolved itself into committee of the whole, Mr. Hough in the chair, on the bill entitled 'A bill to incorporate the Huron canal and manufacturing company;' and after some time spent thereon, the committee rose, and through their chairman reported the same back with an amendment, in which they asked the concurrence of the senate.

And the senate thereupon concurred in said amendment,



being to strike out section 1, line 4, the words 'and manufacturing,' by yeas and nays, as follows:

Yeas—Messrs. Barry, Clarke, Davis, Ellis, Raynale, Stockton, Ten Eyck—7.

Nays—Messrs. Britain, Comstock, Hough, McDonell—4.

Mr. Barry moved that the bill be recommitted to the select committee who reported said bill, with instructions to strike out so much as contemplates the granting of manufacturing privileges to said company.

Whereupon Mr. Britain moved a call of the senate, which being sustained, the following members were found to be absent: Messrs. Durocher, Hascall, Rumsey; absent on leave, Mr. Finch.

The question recurring on committing with instructions as above, Mr. Britain moved to amend said motion by striking out so much as related to instructions to the select committee, which was lost; and the motion to recommit the bill to said committee with the above instructions, was lost by yeas and nays, as follows:

Yeas—Messrs. Barry, Clarke, Raynale, Stockton, Ten Eyck—5.

Nays—Messrs. Britain, Comstock, Davis, Ellis, Hough, McDonell, Moody—7.

And the bill, on motion of Mr. Comstock, was then laid on the table:

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, bills which had passed the senate, entitled as follows, viz:

'A bill in addition to an act entitled an act to amend an act entitled an act to incorporate the Erie and Kalamazoo railroad company;'

'A bill to incorporate the St. Clair and Grand river railroad company;'

'A bill to incorporate Marshall Academy at White Pigeon;'

And 'a bill to authorize the sale of a certain lot in the village of Monroe, and for other purposes.'

The senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill from the house of representatives, entitled 'A bill to establish a court of chancery, and for other purposes;' and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the senate, on motion of Mr. Barry, took a recess to half-past 2 o'clock, P.M.

#### AFTERNOON SESSION.

Half-past Two o'clock, P. M.

The senate met pursuant to adjournment.

Mr. McDonell, from the select committee to whom had been referred the bill entitled 'A bill to provide for the payment of the militia for their services in supporting the supremacy of the laws, and for other purposes,' together with a communication from the adjutant general, reported back a substitute for said bill entitled 'A bill to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan;' which was laid on the table, and ordered to be printed.

A message from the house of representatives, received through their clerk, was announced as follows:

'Mr. President :

I am directed to return to the senate, from whence they originated, the following bill's:

'A bill amendatory to an act entitled an act relative to the duties and privileges of townships, approved the 17th April, 1863,' with sundry amendments made thereto by the house; also, 'A bill to provide for and regulate the election of electors of president and vice-president.'

I also forward to the senate for their concurrence, 'A bill to authorize the judges of probate to grant license to sell real estate of minors and others.'

The amendments made by the house of representatives to the bill from the senate, entitled 'A bill amendatory to an act

entitled an act relative to the duties and privileges of townships, approved the 17th April, 1833,' were non-concurred in.

And on motion of Mr. McDonell, a committee of conference on the part of the senate, was agreed to by yeas and nays, as follows :

Yeas—Messrs. Britain, Comstock, Davis, Hough, McDonell, Moody, Raynale, Rumsey, Ten Eyck—9.

Nays—Messrs. Barry, Clarke, Ellis—3.

And Messrs. McDonell, Hough and Ellis were appointed said committee.

The bill from the house of representatives, entitled 'A bill to authorize the judges of probate to grant license to sell the real estate of minors and others,' was read a first time, and, by consent of three-fourths, a second time, and committed to committee of the whole.

The bill from the house of representatives, entitled 'A bill to authorize the governor to confirm the location of the seat of justice of the county of Van Buren,' coming up amongst the general orders of the day, Mr. McDonell moved to lay said bill on the table; which was lost: and the senate then resolved itself into committee of the whole, Mr. Davis in the chair, on said bill : and after some time spent thereon, the committee rose, and through their chairman reported the same back to the senate with an amendment, in which they asked the concurrence of the senate.

And the senate concurred in said amendment, being to strike out, in section 1, the words 'the sum of one hundred and fifty dollars' and insert 'the amount advanced from the territorial treasury for said location, with interest thereon, from the date of such advance.'

And the amendment, on motion of Mr. Barry, was ordered to be engrossed, and the bill to a third reading, by yeas and nays, as follows:

Yeas—Messrs. Barry, Clarke, Comstock, Davis, Ellis, Moody, Raynale, Rumsey—8.

Nays—Messrs. Britain, Hough, McDonell, Ten Eyck—4.

Mr. Barry then moved that the bill be now read a third time; whereupon Mr. Britain moved a call of the senate, which being sustained, leave of absence for this afternoon was, on motion of Mr. Clarke, granted to Mr. Stockton.

And the bill was then read a third time, and the question being on the final passage of the bill, the bill was lost by yeas and nays, as follows:

Yeas—Messrs. Barry, Clarke, Comstock, Ellis—4.

Nays—Messrs. Britain, Davis, Hough, McDonell, Moody, Raynale, Rumsey, Ten Eyck—8.

A message from the house of representatives, received by their clerk, was announced, as follows :

‘Mr. President:

I am directed to return to the senate, from whence it originated, the bill entitled ‘A bill making appropriations in part for the year 1836, and fixing the pay of officers and members of the legislature,’ with sundry amendments thereto, in which they ask the concurrence of the senate.

I also forward for the concurrence of the senate, ‘A bill to incorporate the Walled Lake steam-mill company.’

The senate thereupon concurred in the several amendments made by the house of representatives to the bill entitled ‘A bill making appropriations in part for the year 1836, and fixing the pay of officers and members of the legislature.’

The senate, on motion of Mr. Barry, then again resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill from the house of representatives, entitled ‘A bill to establish a court of chancery, and for other purposes;’ and after some time spent thereon, the committee rose, and through their chairman reported the same back with amendments, in which they asked the concurrence of the senate.

And the senate thereupon concurred in said amendments.

Mr. Hough moved to add as section 11, as follows, which was adopted :

‘Sec. 11. The chancellor shall not practice as attorney, solicitor, or counsellor, in any court in this state.’

And the amendments were ordered to be engrossed, and the bill to a third reading.

The bill was then read a third time and passed.

Mr. Barry moved that the senate do now adjourn ; which was lost.

A message from the Executive was received through the secretary of state, as follows :

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state, an act entitled 'An act to organize certain townships.'

STEVENS T. MASON.

March 23, 1836.'

A message from the house of representatives was received through their clerk as follows :

*'Mr. President—*

I am directed, by the house of representatives, to inform the senate, that they have appointed Messrs. Hill, Summers, Matthews, as a committee of conference, on the part of the house, on the amendments made to the bill entitled 'a bill amendatory to an act entitled an act relative to the duties and privileges of townships, approved the 17th April, 1833.'—I also forward to the senate, for their concurrence, a bill to incorporate the stockholders of the Manhattan bank; and also 'to incorporate the 'Oakland county bank.'

On motion of Mr. Clark,

*Resolved*, That the enrolling and engrossing clerk be and he is hereby authorized to obtain an assistant.

The bill from the house of representatives entitled 'A bill to incorporate the stockholders of the Manhattan bank,' having been read a 1st and 2nd time; Mr. Barry moved to lay it on the table; which was lost; and the bill, on motion of Mr. Hough, was committed to committee of the whole.

The bill from the house of representatives entitled 'A bill to incorporate the Oakland county bank,' was also read a 1st and 2nd time; and committed to committee of the whole.

The bill from the house of representatives entitled 'a bill to incorporate the Walled lake steam mill company,' having been read a 1st and 2nd time; was also committed to committee of the whole.

On motion of Mr. Moody,

The engrossed bill entitled 'a bill to incorporate the Palmyra and Jacksonburg railroad company,' was taken up, and a blank in section 5, having been filled, the bill was read a 3d time and passed, two-thirds voting in the affirmative.

Mr. Moody from the committee on enrolment, reported said bill as correctly engrossed.

On motion of Mr. Comstock,

The engrossed bill entitled 'a bill to incorporate the Kalamazoo and lake Michigan railroad company,' was read a third time, and the bill then passed, two-thirds voting in the affirmative.

And the senate adjourned.

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THURSDAY March 24, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were found to be absent without leave: Messrs. Durocher, Hascall.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the bill entitled 'a bill to incorporate the Kalamazoo and lake Michigan railroad company,' and the amendments to the bill entitled 'a bill to establish a court of chancery. and for other purposes.'

Mr. McDonell from the joint committee of conference on the amendments made by the house of representatives to the bill entitled 'a bill amendatory to an act entitled an act relative to the duties and privileges of townships, approved the 17th April, 1833,' reported the same back as amended by said committee; and after some discussion thereon, said bill was re-committed to the committee of conference.

Mr. Rumsey presented the petition of Geo. W. Jewett and others for certain state roads: read and referred to a select

committee of three: and Messrs. Rumsey, Barry and Moody were appointed said committee.

A message was received from the house of representatives, by their clerk, as follows:

‘Mr. President:—

I am directed by the house of representatives to return to the senate, from whence they originated, a bill entitled ‘a bill to organize the supreme court and to establish circuit courts,’ with amendments thereto by the house of representatives, in which they respectfully ask the concurrence of the senate:

Also, ‘a bill to provide for the election of members of the legislature in 1836, and to create a board of state canvassers,’ without amendment.

The senate thereupon concurred in the amendment made by the house of representatives to the first of the above bills.

Mr. McDonell, from the joint committee of conference, to whom had been recommitted the bill entitled ‘a bill amendatory to an act entitled an act relative to the duties and privileges of townships, approved the 17th April, 1833,’ as reported by said committee, reported the same back further amended: and the question being on concurring in the amendment now reported by said committee as a substitute for said bill, the amendment was concurred in.

Mr. Rumsey, from the committee on internal improvements, to whom had been referred the bill, read a third time, entitled ‘a bill to authorize the building of a dam in Grand River,’ reported a substitute for said bill, entitled as above: which substitute being adopted, the bill then passed the senate.

On motion of Mr. Moody, the vote on committing the bill from the house of representatives entitled ‘a bill to incorporate the River Raisin and lake Erie railroad company,’ to committee of the whole, having been reconsidered, the bill was referred to a select committee of three; and Messrs. Moody, Ellis and Davis were appointed said committee.

The bill read a third time and laid on the table, entitled 'a bill to incorporate the stockholders of the Monroe and Ann Arbor railroad company,' having been taken up, was, on motion of Mr. Rumsey, recommitted to the select committee who reported said bill.

On motion of Mr. Barry, the vote on the final passage of the bill from the house of representatives entitled 'a bill to establish a court of chancery, and for other purposes,' was reconsidered; and the bill was thereupon recommitted to the committee on the judiciary.

Mr. Ellis from the select committee to whom had been referred the bill from the house of representatives entitled 'a bill to incorporate the River Raisin and lake Erie railroad company,' reported the same back without amendment.

The bill was thereupon ordered to a third reading, and then read a third time, and passed, two-thirds voting in the affirmative.

On motion of Mr. Comstock, the rule as to the daily order of business was suspended, for the purpose of taking up the bill from the house of representatives entitled 'a bill to incorporate the stockholders of the Manhattan Bank,' two-thirds voting in the affirmative, by yeas and nays as follows:

Yeas—Messrs. Britain, Comstock, Davis, Hough, McDonnell, Moody, Raynale, Rumsey, Ten Eyck—9.

Nays—Messrs. Barry, Clark, Ellis, Stockton—4.

And the senate then agreed to proceed to the consideration of said bill, by yeas and nays as follows:

Yeas—Messrs. Britain, Comstock, Davis, Hough, McDonnell, Mood, Raynale, Rumsey, Ten Eyck—9.

Nays—Messrs. Barry, Clarke, Ellis, Stockton—4.

And the senate thereupon resolved itself into committee of the whole, Mr. Stockton in the chair, on said bill; and after some time spent thereon; the committee rose, and through their chairman reported the same back without amendment.

Mr. Barry moved to strike out in section 1, the name of



'Platt Carr,' which was lost: Mr. Barry moved to amend by adding at the close of section 23, as follows: 'and this bank shall be subject to all restraints and provisions that the legislature may establish in relation to banks hereafter chartered.'

Which amendment was lost by yeas and nays as follows:

Yeas—Messrs. Barry, Clarke, Stockton—3.

Nays—Messrs. Britain, Comstock, Davis, Hough, McDonell, Moody, Raynale, Rumsey, Ten Eyck—9.

And the bill was then ordered to a third reading, and thereupon read a third time.

The question being on the final passage of said bill, Mr. Britain moved to lay the bill on the table, which was lost.

Mr. Hough moved a reconsideration of the vote just taken, which was agreed to; and the question recurring on laying the bill on the table, prevailed.

Mr. Hough, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Mackinac and Saginaw railroad company; and Messrs. Hough, McDonell and Ten Eyck were appointed a committee to bring in said bill.

Mr. Hough, from said committee, thereupon brought in a bill entitled 'a bill to incorporate the Mackinac and Saginaw railroad company;' which having been read a first and second time, was committed to committee of the whole.

The senate, on motion of Mr. McDonell, then resolved itself into committee of the whole, Mr. Comstock in the chair, on the bill entitled 'a bill for the better regulation of the office of county treasurer;' and after some time spent thereon, the committee rose, and through their chairman reported the same back to the senate, with an amendment in which they asked the concurrence of the senate.

And the senate concurred in said amendment; and the bill, on motion of Mr. McDonell, was ordered to be engrossed for third reading.

The bill entitled 'a bill to incorporate the Huron canal and manufacturing company,' coming up as the unfinished busi-

ness, Mr. Barry moved to amend the 1st section by striking out all after the word 'canal' in the 9th line, to the word 'and' in the 11th line; which was agreed to; and, on motion of Mr. Barry, the following was added as an additional section to said bill:

'Sec. 15. This act shall not be construed to authorize said company to obstruct or injure the navigation of the Huron river.

And the bill was then ordered to be engrossed for third reading.

The senate then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill from the house of representatives entitled 'a bill to incorporate the Detroit young men's society;' and after some time spent thereon the committee rose, and through their chairman reported the same back to the senate without amendment.

And the bill was thereupon read a third time and passed, two-thirds voting in the affirmative.

On motion of Mr. Stockton, the vote on committing to committee of the whole, the bill from the house of representatives entitled 'a bill to incorporate the Shelby and Belle river railroad company,' was reconsidered; and the bill was referred to a select committee; and Messrs. Stockton, Comstock and Davis were appointed that committee.

On motion of Mr. Britain, the vote on laying on the table the bill from the house of representatives entitled 'a bill to incorporate the stockholders of the Manhattan bank,' was reconsidered; and the question recurring on laying the bill on the table, was lost.

And the bill then passed, two-thirds voting in the affirmative, by yeas and nays as follows:

Yeas—Messrs. Britain, Comstock, Davis, Hough, McDonnell, Moody, Raynale, Rumsey, Ten Eyck—9.

Nays—Messrs. Barry, Stockton—2.

Mr. Barry, from the committee on the judiciary, to whom had been recommitted the bill from the house of representa-

tives, entitled 'A bill to establish a court of chancery, and for other purposes,' reported the same back with an amendment, which was concurred in, being to add, at the close of section 8, as follows: 'and the said supreme court sitting as a court of chancery, shall hear, try and determine all cases appealed as aforesaid, and execute their decrees thereon, in the same manner as if said supreme court had original jurisdiction thereof.'

And the question then recurring on the passage of said bill, prevailed; and the bill was, therefore, again declared passed.

Mr. Barry, from the committee on enrolment, reported as correctly engrossed the additional amendment just made to the above bill.

Messages from the Executive, received through the secretary of state, were announced as follows:

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state, the following acts, viz:

'An act to construct dams and improve the navigation of certain rivers;'

'An act to authorize the boards of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes;'

'An act to provide for the review of the seat of justice of the county of Branch;'

'An act to incorporate the Allegan and Marshal railroad company.'

STEVENS T. MASON.

Detroit, March 24, 1836.'

*'To the senate—*

I have this day approved and filed in the office of the secretary of state the following acts, viz:

'An act relative to state roads;'

'An act authorizing the board of supervisors of the county of Washtenaw to raise a sum of money to erect public buildings;'

'An act concerning the records of deeds and other conveyances of land;'

'An act for the organization of certain counties.'

STEVENS T. MASON.

March 24, 1836.'

The senate, on motion of Mr. Hough, took a recess to half past 2 o'clock.

AFTERNOON SESSION.

Half past 2 o'clock, P. M.

The senate met pursuant to adjournment.

On motion of Mr. Hough, the vote on committing to committee of the whole, the bill entitled 'a bill to incorporate the Mackinac and Saginaw railroad company,' was reconsidered, and the bill, on motion of Mr. Barry, was committed to a select committee; and Messrs. Hough, Barry and Rumsey were appointed that committee.

Mr. Davis, from the select committee to whom had been referred the bill from the house of representatives entitled 'a bill to incorporate the Shelby and Belle River railroad company,' reported the same back without amendment; and the bill being ordered to a third reading, was thereupon read a third time, and passed, two-thirds voting in the affirmative.

The bill from the house of representatives entitled 'a bill to authorize the judges of probate to grant license to sell real estate of minors and others,' was, on motion of Mr. Ellis, laid on the table.

Mr. Ellis, from the select committee to whom had been referred the bill entitled 'a bill to incorporate the stockholders of the Monroe and Ann Arbor railroad company,' reported the same back without amendment.

And the bill was then read a third time and passed, two-thirds voting in the affirmative.

The senate then resolved itself into committee of the whole, Mr. Ellis in the chair, on the bill from the house of representatives entitled 'a bill to incorporate the Walled Lake steam

mill company,' and after some time spent thereon, the committee rose, and through their chairman reported the same back without amendment.

The question being on ordering the bill to a third reading; the bill, on motion of Mr. Stockton, was laid on the table.

The following message from the house of representatives was received through their clerk:

'Mr. President—

In accordance with the rules of the house of representatives, I herewith return to the senate from whence they originated, the following bills without amendment:

'A bill to extend the limits of the city of Detroit,' 'a bill repealing an act entitled 'an act to provide for the appointment of a librarian approved the 16th day of June, 1828;,' 'a bill to authorize the sale of a certain lot in the village of Monroe and for other purposes;,' also with amendments made thereto by the house of representatives, the bill entitled 'a bill in addition to an act entitled an act to amend an act entitled an act to incorporate the Erie and Kalamazoo railroad company:'

'I also herewith transmit to the senate for their concurrence 'a bill supplementary to an act entitled 'an act to organize certain townships,' and 'a bill to incorporate the village of Marshall.'

The bill from the house of representatives entitled 'a bill supplementary to an act entitled 'an act to organize certain townships,' was read a first and second time, and ordered to a third reading; and the rule being suspended, was then read a third time and passed.

On motion of Mr. Clarke, the bill read third time and laid on the table entitled 'a bill to organize certain townships,' was taken up and passed.

Mr. Ellis asked and (the rule being suspended) obtained leave to bring in a bill to authorize the governor to make certain nominations; and Messrs. Ellis, McDonell and Britain were appointed a committee to bring in said bill.

Mr. Ellis from the the committee appointed for that purpose, brought in a bill entitled 'a bill to authorize the governor to make certain nominations;' which having been read a first and second time, was committed to committee of the whole.

The engrossed bill entitled 'a bill to incorporate the Huron canal and manufacturing company,' having been taken up, Mr. Ellis moved to lay the bill on the table, which was lost: Mr. Barry moved to add to section 15, as follows: 'nor to divert said river or any part thereof from its natural channel, nor to interfere in any manner with the rights and privileges of any person or persons whatever:'—Mr. Britain moved to amend said amendment by striking out all to the second 'nor' in said amendment, which was agreed to by yeas and nays, as follows:—

Yeas—Messrs. Britain, Comstock, Hough, McDonell, Moody, Raynale, Rumsey—7.

Nays—Messrs. Barry, Clarke, Davis, Ellis, Stockton, Ten Eyck—6.

Mr. Ellis moved further to amend the amendment by inserting before 'nor' where it last occurs, as follows: 'nor to divert the waters of said river from its main channel, so as in any way to lessen the privileges of individuals owning land on or along said stream,' which was adopted; and the amendment as amended was then adopted.

On motion of Mr. Ellis, the word 'state' section 3, line 6, was struck out, and the word 'comnty' inserted.

And the bill was then read a third time; and the question being on the final passage of the bill, Mr. Rumsey moved a postponement of the question until the first day of the next session of the legislature, which was lost, by yeas and nays as follows:

Yeas—Messrs. Barry, Davis, Rumsey, Stockton, Ten Eyck—5.

Nays—Messrs. Britain, Comstock, Ellis, Hough, McDonell, Moody, Raynale—7.

And the bill was then declared lost, two-thirds not voting in the affirmative, the yeas and nays on the passage of the bill being as follows:

Yeas—Messrs. Britain, Comstock, Ellis, Hough, McDonell, Moody, Raynale—7.

Nays—Messrs. Barry, Davis, Rumsey, Stockton, Ten Eyck—5.

A message from the house of representatives, received through their clerk, was announced as follows:

‘Mr. President :

In accordance with the rules of the house of representatives, I return to the senate, from whence it originated, a bill entitled ‘a bill to create a fund for the benefit of the creditors of certain moneyed institutions,’ with sundry amendments, in which the concurrence of the senate is requested:—I also forward to the senate for their concurrence, ‘a bill to attach a part of the county of Sanilac for judicial purposes to the county of Lapeer.’

The senate thereupon concurred in the several amendments made by the house of representatives, with the exception of the amendment to strike out section twenty, and insert in lieu thereof the substitute proposed by the house of representatives: and on motion of Mr. Hough, a committee of conference on the part of the senate, on said amendment, was agreed to; and Messrs. Hough, Ellis and Barry were appointed that committee.

On motion of Mr. Moody, the vote by which was yesterday lost the bill from the house of representatives entitled ‘a bill to authorize the governor to confirm the location of the seat of justice of Van Buren county,’ was reconsidered, by yeas and nays, as follows:

Yeas—Messrs. Barry, Clarke, Comstock, Ellis, Moody, Rumsey, Stockton—7.

Nays—Messrs. Britain, Davis, Hough, McDonell, Raynale, Ten Eyck—6.

And the bill then passed by yeas and nays as follows:

Yeas—Messrs. Barry, Clarke, Comstock, Ellis, Moody, Rumsey, Stockton—7.

Nays—Messrs. Britain, Davis, Hough, McDonell, Raynole, Ten Eyck.—6.

The bill from the house of representatives entitled 'a bill to attach a part of the county of Sanilac, for judicial purposes, to the county of Lapeer,' was read a first and second time, and ordered to a third reading.

Mr. Barry, from the committee on conference on the part of the senate, on the amendment made by the house of representatives to the bill entitled 'a bill to create a fund for the benefit of the creditors of certain moneyed corporations,' reported a substitute for section 20, as follows:

'Sec. 20. The commissioner shall be appointed by the governor, by and with the advice and consent of the senate and house of representatives in joint vote.'

Which amendment was concurred in by the senate; and the bill therefore declared passed.

The amendments made in the house of representatives to the bill entitled 'a bill in addition to an act entitled an act to amend an act entitled 'an act to incorporate the Erie and Kalamazoo railroad company,' were taken up and concurred in by the senate.

The bill from the house of representatives entitled 'a bill to incorporate the village of Marshall,' was then read a first and second time, and committed to committee of the whole.

And the senate adjourned.

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FRIDAY, March 25, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent without leave: Messrs. Durocher, Hascall.

Mr. McDonell presented claims for stationary and printing against the present session of the Legislature: referred to the joint committee of ways and means.

Mr. Barry from the committee on enrolment, reported as



correctly enrolled the bills entitled as follows: 'an act to authorize the sale of a certain lot in the village of Monroe, and for other purposes;' 'an act to provide for the election of members of the legislature in 1836, and to create a board of state canvassers;' 'an act repealing the act entitled an act to provide for the appointment of a librarian, approved 16th June 1828;' 'an act to establish the divisionary line between the townships of Cottrellville and Clay in the county of St. Clair;' 'an act to provide for, and regulate the election of electors of president and vice president;' and as correctly engrossed the bills entitled 'a bill to incorporate the stockholders of the Monroe and Ann Arbor railroad company,' and 'a bill to organize certain townships,' and the amendments to the bill from the house of representatives entitled 'a bill to authorize the governor to confirm the location of the seat of justice of the county of Van Buren.'

Mr. Comstock presented the petition of John Griswold, praying for a branch of the Bank of the United States to be located in the county of Branch in this state: read and laid on the table.

Mr. Hough, from the select committee to whom had been committed the bill entitled 'a bill to incorporate the Mackinac and Saginaw railroad company' reported the same back without amendment; and the bill was ordered to be engrossed for third reading.

Mr. Britain, from the select committee to whom had been committed the bill entitled 'a bill to incorporate the Havre Branch railroad company,' reported the same back without amendment; and the bill was ordered to a third reading.

Mr. Britain, from the select committee appointed for that purpose, brought in a bill entitled 'a bill to incorporate the village of New Buffalo;' which having been read a first and second time, and on motion of Mr. Britain, amended by striking out, in section three, 'the state of Michigan,' and inserting 'this state;' the bill was ordered to be engrossed for third reading.

A message from the Executive, received through the secretary of state, was announced, as follows :

*'To the Senate :*

I have this day approved and filed in the office of the secretary of state 'an act supplementary to an act entitled an act to organize certain townships.'

STEVENS T. MASON.

March 24, 1836.'

A message from the house of representatives received through their clerk was announced as follows:

*'Mr. President—*

I am directed by the house of representatives to inform the senate that Messrs. Sherman, Alden, O. Howe, are appointed a committee of conference on the part of the house of representatives on the amendments non-concurred in by the senate to the bill entitled 'a bill to create a fund for the benefit of the creditors of certain moneyed corporations;' I also return to the senate from whence they originated, the following bills without amendment: 'a bill to incorporate the the Kalamazoo and lake Michigan railroad company;' a bill to incorporate the Palmyra and Jacksonburgh railroad company.'

On motion of Mr. Davis,

The vote by which was yesterday lost the bill entitled 'a bill to incorporate the Huron canal and manufacturing company,' was reconsidered, and the bill, on motion of Mr. Comstock, was recommitted to the select committee who reported said bill.

On motion of Mr. Britain,

*Resolved,* That the committee on incorporations, be instructed to inquire into the expediency of incorporating a bank at New Buffalo.

Mr. Britain gave notice that on a future day he would ask leave to bring in a bill to incorporate the bank of New Buffalo.

Mr. Comstock, from the committee to whom had been re-

ferred the bill entitled 'a bill to incorporate the Huron canal and manufacturing company,' reported the same back with an amendment proposing to strike out section 15, and insert as follows:

'Sec. 15. This act shall not be construed to authorize said company to obstruct or injure the navigation of Huron river, or divert the main waters from its natural channel, or interfere with the rights and privileges of any person or persons whatsoever.'

Which amendment was concurred in; and the bill then passed the senate, two-thirds voting in the affirmative.

The bill from the house of representatives entitled 'a bill to attach a part of the county of Sanilac, for Judicial purposes to the county of Lapeer;' was read a third time and passed.

The engrossed bill entitled, 'a bill for the better regulation of the office of county treasurer,' was read a third time and passed.

The vote on committing to committee of the whole the bill from the house of representatives entitled 'a bill to incorporate the Clinton and Adrian railroad company,' having been reconsidered, and a motion to commit to a select committee having been lost, Mr. Hough moved to amend by adding, section 3, line 4, after the word 'Adrian,' the words 'through the village of Tecumseh.'—The yeas and nays being called for, Mr. Stockton moved a call of the senate; which being sustained the following members were absent:—Messrs. Clark, Durocher, Hascall, McDonell: absent on leave Mr. Finch.

Mr. Britain moved to commit the bill to the committee on the judiciary, which was lost; and the amendment offered by Mr. Hough was thereupon adopted by yeas and nays as follows:

Yeas—Messrs. Barry, Britain, Davis, Hough, McDonell, Raynale, Rumsey, Ten Eyck,—8.

Nays—Messrs. Clark, Comstock, Ellis, Moody, Stockton,—5.

And the bill was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays as follows:

Yeas—Messrs. Barry, Britain, Comstock, Davis, Ellis, McDonell, Moody, Raynale, Rumsey, Ten Eyck,—10.

Nays—Messrs. Clark, Hough, Stockton.—3.

Mr. Mc. Donell, from the joint committee on ways and means, to whom had been referred certain claims, reported a bill entitled 'a bill making appropriations for the year 1836, and for other purposes;' which having been read a first and second time, was laid on the table and ordered to be printed.

The enrolled bills, reported this morning by the committee on enrolment as correctly enrolled, were presented to the governor for his signature.

Mr. Ellis, from the committee on enrolment reported as correctly engrossed the bill entitled 'a bill to incorporate the Huron canal and manufacturing company.

A message from the executive was received through the secretary of state as follows:

*'To the senate:—*

Agreeably to the request of the governor of the state of Mississippi, I transmit a preamble and resolutions of the legislature of that state in relation to the abolition of slavery.

STEVENS T. MASON.

March 25, 1836.'

The communication from the governor of Mississippi, together with the accompanying preamble and resolutions of that state having been read, were, on motion of Mr. Barry, laid on the table.

*(See Senate document No. 15.)*

The senate then resolved itself into committee of the whole, Mr. Rumsey in the chair, on the bill entitled, 'a bill to authorize the governor to make certain nominations;' and after some time spent thereon, the committee rose, and through their chairman, reported the same back with an amendment, in which they asked the concurrence of the senate.

And the senate thereupon concurred in said amendment, and the bill was ordered to be engrossed for third reading.

The vote on committing to committee of the whole, the bill from the house of representatives entitled 'a bill to incorporate the Oakland county bank,' on motion of Mr. Rumsey, was reconsidered; and the bill committed to the committee on incorporations.

The senate then resolved itself into committee of the whole, Mr. Stockton in the chair, on the bill from the house of representatives entitled 'a bill to incorporate the village of Marshall,' and after spending some time thereon, the committee rose and through their chairman reported the same back with amendments, in which they asked the concurrence of the senate.

And the senate concurred in said amendments.

On motion of Mr. Britain,

The bill was further amended, by inserting as section 10 as follows:—

'Sec. 10. All meetings called for the purposes contemplated in the preceding section of this act, shall be called by the president, or in his absence by the senior trustee, by posting up written notices, in three of the most public places in said village, at least three days previous to holding said meeting. Said notices shall specify the time and place of holding said meeting, and the purposes for which said meeting shall be called.

And the amendments were ordered to be engrossed, and the bill to a third reading; and the bill was then read a third time and passed, two-thirds voting in the affirmative.

And the senate adjourned to half past two o'clock, P. M.

AFTERNOON SESSION.

Half-past Two o'clock P. M.

The senate met pursuant to adjournment.

In the absence of the president, the president pro tem. took the chair.

Mr. Ellis, from the committee on enrolment, reported as

correctly engrossed, the bill entitled 'A bill for the better regulation of the office of county treasurer;' and the amendments to the bill from the house of representatives, entitled 'A bill to incorporate the village of Marshall;' and 'A bill to incorporate the Clinton and Adrian railroad company.'

The senate, on motion of Mr. Davis, resolved itself into committee of the whole, Mr. Hough in the chair, on the bill entitled 'A bill to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan,' together with the amendment reported by the select committee: and after some time spent in the discussion thereof, the committee rose, and through their chairman reported the same back with amendments, in which they asked the concurrence of the senate.

The question being on the amendments, the word 'forty,' in section 6, was struck out, and the word 'sixty' inserted, and the senate then concurred in said amendments, and the bill was ordered to be engrossed for third reading.

The engrossed bill, entitled 'A bill to authorize the governor to make certain nominations,' was read a third time and passed.

On motion of Mr. Davis,

The senate took up the bill entitled 'A bill to incorporate the stockholders of the bank of Clinton.'

The question being on adopting the following as an additional section, it was decided in the negative by yeas and nays, as follows :

Yeas—Messrs. Ellis, President pro tem.—2.

Nays—Messrs. Britain, Clarke, Comstock, Davis, Hough, Moody, Raynale, Rumsey, Stockton, Ten Eyck—10.

'Sec. That before said bank shall be authorized to issue its notes or bills, the directors thereof, with sufficient sureties to be approved by the auditor general, shall execute a bond to the governor of this state, and his successors in office, in the penal sum of \$300,000, conditioned that all notes or bills issued by said bank shall be redeemed on demand, which said

bond shall be renewed from time to time as often as the auditor general shall require, and in case the directors shall neglect or refuse, for the space of 20 days, so to renew said bond, when thereunto in writing required, by the auditor general, the charter of said bank shall be forfeited.'

Mr. Britain moved to amend the bill by inserting, as an additional section, as follows:

'Sec. The amount of capital paid in to said bank at the end of six years from the time of said bank going into operation, shall for ever thereafter constitute the capital stock of said bank, without the power of said bank to increase it except by a special act of the legislature.'

Said amendment was decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Britain, Hough, Raynale, Rumsey, Ten Eyck, President pro tem.—6.

Nays—Messrs. Clarke, Comstock, Davis, Ellis, McDonell, Moody, Stockton—7.

The blank in section 22, on motion of Mr. Hough, was filled with 'one half of one;' and the blank in section 18, on motion of Mr. Rumsey, was again filled with 'seven.'

And the bill was then ordered to a third reading; and the bill was read a third time and passed, two thirds voting in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Britain, Clarke, Comstock, Davis, Ellis, Hough, McDonell, Moody, Raynale, Rumsey, Stockton—11.

Nays—Messrs. Ten Eyck, President pro tem.—2.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the bill entitled 'A bill to authorize the governor to make certain nominations.'

A message from the Executive was received through the secretary of state, as follows:

*'To the senate:*

I have this day approved and filed in the office of the secretary of state the following acts, viz:

‘An act to provide for and regulate the election of electors of president and vice-president;’

‘An act to provide for the election of members of the legislature in the year one thousand eight hundred and thirty-six, and to create a board of state canvassers;’

‘An act repealing the act entitled “an act to provide for the appointment of a librarian,” approved June 16, 1828.’

‘An act to establish the divisionary line between the townships of Cottrelville and Clay, in the county of St. Clair.’

‘An act to authorize the sale of a certain lot in the village of Monroe, and for other purposes.’

STEVENS T. MASON.

March 25, 1836.’

A message was also received from the Executive, on executive business.

A message from the house of representatives, was received through their clerk, informing the senate of their concurrence in the bill entitled ‘A bill to incorporate Marshall Academy at White Pigeon;’ and transmitting bills entitled as follows:

‘A bill to legalize the acts of the Wardens and Vestrymen of Calvary church, Adrian, Lenawee county;’ and

‘A bill to incorporate the Monroe and Ypsilanti railroad company.’

Messages received from the house of representatives, through their clerk, were also announced, as follows:

‘Mr. President:

In accordance with the rules of the house of representatives I herewith transmit to the senate, for their concurrence, a bill entitled ‘a bill to incorporate the stockholders of the Ypsilanti bank.’

I am also directed to inform the senate that the house of representatives have appointed a committee of conference on the amendment made by the senate to the bill entitled ‘a bill to incorporate the Clinton and Adrian railroad company,’ consisting of Messrs. Hutchins, Alden, Dodge; and they res-



pectfully ask the appointment of a similar committee on the part of the senate.'

'Mr. President—

In accordance with the rules of the house of representatives, I herewith return to the senate, from whence they originated, the following bills: 'A bill to authorize the building of a dam in Grand river,' with amendments made thereto by the house of representatives, in which they respectfully ask the concurrence of the senate; 'a bill to organize certain townships,' and 'a bill to incorporate the Huron canal and manufacturing company,' without amendments.

'Mr. President:—

In accordance with the rules of the house of representatives, I herewith return to the senate, from whence it originated, a bill entitled 'A bill to incorporate the stockholders of the Monroe and Ann Arbor railroad company,' without amendment; also a bill entitled 'A bill to authorize the supervisors of St. Clair county to loan certain sums of money,' with an amendment.

I also forward to the senate for their concurrence, a bill entitled 'a bill to amend an act entitled an act to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases.'

The bill from the house of representatives, entitled 'A bill to incorporate the stockholders of the bank of Ypsilanti,' was read a first and second times and committed to committee of the whole.

The bills from the house of representatives, entitled 'A bill to legalize the acts of the Wardens and Vestrymen of Calvary church, Adrian, Lenawee county;' 'a bill to incorporate the Monroe and Ypsilanti railroad company,' and 'a bill to amend an act entitled "an act to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases," were also severally read a first and second times and committed to committee of the whole.

The senate, on motion of Mr. Hough, agreed to a commit-

tee of conference on the amendment made by the senate, and which was non-concurred in by the house, to the bill from the house of representatives, entitled 'A bill to incorporate the Clinton and Adrian railroad company.'

Messrs. Hough, McDonell and Ellis were appointed the committee.

The senate, on motion of Mr. McDonell, then went into the consideration of executive business.

When the doors were opened,

Mr. Britain (the rule being suspended) asked and obtained leave to bring in a bill to incorporate a bank at New Buffalo.

Messrs. Britain, Ellis and Rumsey were appointed a committee to bring in said bill.

And the senate adjourned.

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SATURDAY, March 26, 1836.

The senate met, pursuant to adjournment.

The roll being called the following members were absent without leave: Messrs. Comstock, Durocher, Hascall.

Mr. Britain, from the select committee appointed for that purpose, brought in a bill entitled 'a bill to incorporate the stockholders of the bank of New Buffalo;' which was read a first time, and by consent of three-fourths a second time, and committed to committee of the whole.

Mr. Rumsey, from the select committee to whom had been referred the petition of George W. Jewett and others, reported a bill entitled 'a bill to lay out and establish a certain state road,' which having been read a first and second time, and, on motion of Mr. Britain, amended, by adopting an additional section as section 2, was ordered to be engrossed for third reading.

The amendments made by the house of representatives to the bill entitled 'a bill to authorize the board of supervisors of St. Clair county to loan a certain sum of money,' were severally concurred in by the senate.

The amendments made by the house of representatives to the bill entitled 'a bill to authorize the building of a dam in Grand river,' were non-concurred in by the senate; and the bill therefore declared lost.

The vote on concurring in the first amendment made by the house of representatives to the bill entitled 'a bill in addition to an act entitled an act to amend an act entitled an act to incorporate the Erie and Kalamazoo railroad company,' was, on motion of Mr. Barry, re-considered; and the bill and amendments then laid on the table.

Mr. Barry submitted the following joint resolution, which was adopted by the senate, viz :

*Resolved, by the senate and house of representatives,* That the president and cashier of the bank of Washtenaw be and they hereby are required to furnish to the legislature at its next session, (whether the same be an annual or special session,) under oath or affirmation, a statement of the condition of said bank, stating the amount of deposits, the profits on hand, the amount of bills in circulation, the amount of debts due from the directors, the amount due from the stockholders, the amount of debts due from all other persons or corporations, (not however naming them them.) the amount of specie in bank, the amount of all bills of other banks, the amount of their deposits in other banks, the amount of their stock in other banks, the amount of their real estate and of other property not herein specified, the amount of capital actually paid in, and which shall contain a true exhibit of all the real state of said bank.

The following resolution, submitted by Mr. Britain, was adopted by the senate :

*Resolved by the senate and house of representatives of the State of Michigan,* That our senators in congress be instructed, and our representatives requested to use their exertions to procure from the postmaster general an arrangement, requiring the present contractors for carrying the United States mail from Detroit to Chicago, upon the Chicago road, and

from Detroit to St. Joseph, upon the territorial road, to carry the same daily upon each of the above routes.

Mr. McDonell, from the committee on finance, reported a bill entitled 'a bill to provide for the assessment and collection of state taxes, and to amend the acts herein mentioned,' which having been read a first and second time, was committed to committee of the whole.

Mr. McDonell, from the same committee, reported a joint resolution entitled 'a resolution relative to the state revenue,' which was adopted by the senate.

Mr. McDonell submitted a joint resolution, which was adopted by the senate, directing the secretary of state to publish and transmit copies of an act relative to the duties and privileges of townships.

The bill entitled 'a bill in addition to an act entitled an act to amend an act entitled an act to incorporate the Erie and Kalamazoo railroad company,' with the amendments made by the house of representatives to said bill, having been taken up, and the question being on concurring in the first amendment made by the house of representatives, was decided in the negative; and on motion of Mr. Barry, a committee of conference on the part of the senate, on said amendment, was agreed to; and Messrs. Barry, Ellis and Stockton were appointed said committee.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled two bills entitled as follows: 'an act amendatory to an act entitled an act relative to the duties and privileges of townships, approved 17th April, 1833;' and 'an act to extend the limits of the city of Detroit.'

Mr. Hough, from the committee on incorporations, to whom had been committed the bill from the house of representatives entitled 'a bill to incorporate the Oakland county bank,' reported the same back with an amendment; and the senate thereupon concurred in said amendment, being to add, section 7, line 5, after the words 'to wit,' as follows: 'for each share not over ten shares, one vote.'

And said bill was again committed to committee of the whole.

The engrossed bill entitled 'a bill to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan,' being on its third reading, the following amendments, submitted by Mr. Barry, having been seconded by a majority, were severally adopted, viz: in section 1, to strike out 'seven thousand eight hundred and seventy-four,' and insert 'seven thousand eight hundred and twenty-six;' and in section 2, strike out 'five hundred and ninety,' and insert 'five hundred and eighty-four:' and the bill was then read a third time, and passed by yeas and nays as follows:

Yeas—Messrs. Barry, Britain, Clarke, Ellis, Hough, McDonell, Rumsey, Stockton, Ten Eyck—9.

Nays—Mr. Davis—1.

And the title, on motion of Mr. Ellis, was amended by adding thereto 'and for other purposes.'

A message from the house of representatives was received through their clerk, as follows :

'Mr. President:—

In accordance with the rules of the house of representatives, I herewith return to the senate, from whence it originated, a bill entitled 'a bill for the better regulation of the office of county treasurer,' with sundry amendments made thereto by the house of representatives, in which they respectfully ask the concurrence of the senate; also the bill entitled 'a bill to authorize the governor to make certain nominations,' without amendment.

The amendments made by the house of representatives to the bill entitled 'a bill for the better regulation of the office of county treasurer,' were severally concurred in by the senate.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed the bill entitled 'a bill to provide for the

payment of the militia for their services in supporting the supremacy of the laws of Michigan, and for other purposes.'

The senate then resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled 'a bill to incorporate the Detroit house carpenters and joiners' mutual benefit society:' and after some time spent thereon, the committee rose, and through their chairman reported the same back with amendments, in which they asked the concurrence of the senate.

The senate thereupon concurred in said amendment; and the bill was ordered to be engrossed for third reading.

The bill from the house of representatives entitled 'a bill to legalize the acts of the Wardens and Vestrymen of Calvary Church, Adrian, Lenawee county,' coming up among the general orders of the day, and the question being put, 'will the senate now resolve itself into committee of the whole, on said bill,' was lost.

Mr. Barry moved to lay the bill on the table, which was lost: Mr. McDonell moved to reconsider the vote on refusing to go into committee of the whole on said bill, which was also lost.

On motion of Mr. Britain, the vote on committing said bill to committee of the whole was reconsidered; and the question then recurring on committing the bill to committee of the whole, was decided in the negative.

On motion of Mr. Ellis, the first section was amended by inserting before the word '*Provided*,' as follows: 'provided that all the proceedings of said society, except those named in the preamble to this act, have been in accordance with the provisions of the acts for the incorporation of religious societies, and'—whereupon the amendment was ordered to be engrossed, and the bill to a third reading, by yeas and nays, as follows:

Yeas—Messrs. Britain, Davis, Ellis, Hough, McDonell, Moody, Rumsey, Stockton—8.

Nays—Messrs. Barry, Clark, Raynale, Ten Eyck—4.

And the bill was then read a third time, and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Britain, Davis, Ellis, Hough, McDonell, Moody, Rumsey, Stockton—8.

Nays—Messrs. Barry, Clarke, Raynale, Ten Eyck—4.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, two bills entitled as follows, viz: 'an act to organize the supreme court and to establish circuit courts,' and 'an act to organize certain townships,' which bills, together with the two other enrolled bills previously reported by said committee this morning, were presented to the governor for his signature.

A message from the executive was received through the secretary of state, as follows:

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state the following acts viz:

'An act to incorporate the stockholders of the Manhattan Bank.'

'An act to incorporate the Constantine and Niles canal or railroad company.'

'An act to provide for laying out certain state roads.'

'An act to incorporate the river Raisin and lake Erie railroad company.'

'An act to incorporate the St. Clair and Romeo railroad company.'

'An act appointing commissioners to lay out and establish certain state roads.'

STEVENS T. MASON.

March 26, 1836.

A message from the house of representatives, was received through their clerk, as follows:

'Mr. President :

I am directed by the house of representatives to inform the senate that Messrs. Lothrop, Bradshaw, Wheeler, have been appointed a committee of conference, on the part of the

house of representatives, on the amendment made by the house of representatives to the bill entitled 'a bill in addition to an act entitled an act to amend an act entitled an act to incorporate the Erie and Kalamazoo railroad company:'

'I also return to the senate, where it originated, a bill entitled 'a bill to incorporate the St. Clair and Grand River railroad company,' with sundry amendments made thereto by the house of representatives, in which they respectfully ask the concurrence of the senate:

'I also forward to the senate, for their concurrence, a bill entitled 'a bill concerning the attorney general and prosecuting attorneys.'

On motion of Mr. Ellis, the vote on committing to committee of the whole, the bill from the house of representatives entitled 'a bill to incorporate the Monroe and Ypsilanti railroad company,' was reconsidered; and the bill committed to a select committee: and Messrs. Ellis, Britain and Hough, were appointed said committee.

The senate then resolved itself into committee of the whole, Mr. Moody in the chair, on the bill from the house of representatives entitled 'a bill to amend an act entitled an act to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases:' and after some time spent thereon, the committee rose, and through their chairman reported the same back with an amendment.

And the senate thereupon concurred in said amendment; and the bill, on motion of Mr. Clarke, was laid on the table.

And the senate then adjourned to half past two o'clock, P. M.

#### AFTERNOON SESSION.

Half-past Two o'clock, P. M.

The senate met pursuant to adjournment.

Mr. McDonell submitted the following joint resolution which was adopted by the senate:—

*Resolved by the senate and house of representatives of the state of Michigan, That the secretary of the state shall be,*



and he is hereby authorized and directed to cause all public documents and other papers in the office of the secretary of the late territory of Michigan, to be forthwith removed to the office of the secretary of state, and to file all such documents and papers as aforesaid in said office.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the following resolutions, viz: 'a resolution relative to the state revenue;' 'a resolution in relation to certain mail routes;' 'a resolution in relation to the bank of Washtenaw;' and 'a resolution relative to transmitting copies of a certain act;' also the amendments to the bill from the house of representatives, entitled 'a bill to legalize the proceedings of the wardens and vestrymen of Calvary church, Adrian, Lenawee county.'

Mr. Ellis from the joint committee of conference on an amendment made by the house of representatives to the bill entitled 'a bill in addition to an act entitled an act to amend an act entitled an act to incorporate the Erie and Kalamazoo railroad company,' reported an amendment to section 5, of said bill, as follows, to insert after the word 'state' line 2, 'for the benefit of the state, one half of:' which was concurred in by the senate.

Mr. Ellis, from the select committee, to whom had been referred the bill from the house of representatives entitled 'a bill to incorporate the Monroe and Ypsilanti railroad company,' reported the same back with an amendment, to add to the close of sec. 3, the words 'and thence to Monroe;' in which the senate concurred.

And the bill was then ordered to a third reading: and the bill was read a third time, and passed, two thirds voting in the affirmative, by yeas and nays as follows:

Yeas—Messrs. Britain, Comstock, Davis, Ellis, McDonell, Moody, Raynale, Rumsey, Stockton, Ten Eyck, President pro tem.,—11.

Nays—Mr. Hough,—1.

Mr. Ellis, from the committee on enrolment, [reported as

correctly engrossed 'a resolution directing all records belonging to the late territorial government to be filed in the office of the secretary of state.'

The bill from the house of representatives entitled 'a bill to incorporate the Walled lake steam-mill company,' having been taken up, Mr. Raynale moved to amend section 3, by striking out, in the last line the words 'for the use of said company,' and inserting 'necessary for the construction and use of said mills;' which was agreed to; and on motion of Mr. Comstock, the words 'twenty five thousand,' (sec. 1,) were struck out, and 'fifteen thousand' inserted; and the bill being read a third time, passed, two thirds voting in the affirmative, by yeas and nays as follows:

Yeas—Messrs. Clarke, Comstock, Davis, McDonell, Moody, Raynale, Rumsey, Stockton,—8.

Nays—Messrs. Britain, Ellis, Hough, Ten Eyck,—4.

The bill from the house of representatives entitled 'a bill to amend an act entitled an act to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases,' having been taken up, on motion of Mr. McDonell, was amended by adding an additional section as section 8; and the bill was then read a third time and passed.

Mr. Ellis from the committee on enrolment, reported as correctly enrolled the bill entitled 'a bill to authorize the governor to make certain nominations;' which was thereafter presented to the governor for his signature.

Mr. Britain moved that the rule be suspended for the purpose of asking leave to bring in 'a bill to incorporate the Franklin Steam Mill company;' whereupon Mr. Stockton moved a call of the senate, which being sustained, the following members were absent: Messrs. Barry, Comstock, Durocher, Hascall; absent on leave, Mr. Finch; and the sergeant-at-arms was sent for absent members.

The question being put on suspending the rule, was decided in the affirmative by yeas and nays as follows,

Yeas—Messrs. Britain, Clarke, Comstock, Davis, Hough, McDonell, Moody, Raynale, Rumsey—9.

Nays—Messrs. Barry, Ellis, Stockton, Ten Eyck—4.

Mr. Britain thereupon asked and obtained leave to bring in a bill to incorporate the Franklin Steam Mill company;—and Messrs. Britain, Hough and McDonell were appointed a committee to bring in said bill.

Mr. Hough moved a reconsideration of the vote on the final passage of the bill from the house of representatives entitled 'a bill to incorporate the Walled lake steam mill company,' which was decided in the negative by yeas and nays as follows:

Yeas—Messrs. Barry, Britain, Ellis, Hough, Rumsey, Ten Eyck—6.

Nays—Messrs. Clarke, Comstock, Davis, McDonell, Moody, Raynale, Stockton,—7.

The bill from the house of representatives entitled 'a bill to incorporate the stockholders of the Calhoun county bank,' and 'a bill to incorporate the stockholders of the bank of St. Clair,' were severally read a first time.

The senate then resolved itself into committee of the whole, Mr. Stockton in the chair, on the bill from the house of representatives entitled 'a bill concerning the attorney general and prosecuting attorneys;' and after some time spent thereon the committee rose, and through their chairman, reported the same back without amendment.

The bill was then read a third time, and on motion of Mr. Barry; referred to the committee on the judiciary.

A message from the house of representatives was received through their clerk as follows:

'Mr. President—

I am directed by the house of representatives to return to the senate, from whence they originated, the following resolutions, without amendment:

'A resolution relative to the state revenue;'

'A resolution relative to transmitting copies of a certain act.'

Messages from the Executive, received through the secretary of state, were announced as follows:

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state, the following acts, viz:-

'An act to organize the supreme court and to establish circuit courts;'

'An act to organize certain townships;'

'An act to amend an act entitled an act relative to the duties and privileges of townships, approved April 17, 1832;'

'An act to extend the limits of the city of Detroit.'

STEVENS T. MASON.

March 26, 1836.'

*'To the Senate :*

I have this day approved and filed in the office of the secretary of state 'an act entitled an act to authorize the governor to make certain nominations.'

STEVENS T. MASON.

March 26, 1836.'

On motion of Mr. Rumsey,

A committee of conference on the part of the senate on the amendments made by the house of representatives, and which were non-concurred in by the senate, to the bill entitled 'a bill to authorize the building of a dam in Grand river,' was agreed to.

Messrs. Ellis, Rumsey and Davis were appointed said committee.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill from the house of representatives, entitled 'a bill concerning the attorney general and prosecuting attorneys, reported the same back with certain amendments.

And senate thereupon concurred in said amendments; and the bill then passed.

The amendments made by the house of representatives to the bill entitled 'a bill to incorporate the St. Clair and Grand river railroad company,' having been taken up, were non-concurred in; and, on motion of Mr. Clarke, a committee of conference on the part of the senate on said amendments was agreed to; and Messrs. Clarke, Ten Eyck and Moody were appointed the committee.

The bill entitled 'a bill to authorize the sale of certain lands,' having been taken up, was referred to a select committee; and Messrs. Davis, Comstock and Clarke, were appointed said committee.

The senate then resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill from the house of representatives, entitled 'A bill to authorize the judges of probate to grant license to sell the real estate of minors and others;' and after some time spent thereon, the committee rose, and through their chairman reported the same back without amendment.

And the bill, on motion of Mr. Barry, was laid on the table.

A message from the house of representatives was received through their clerk, informing the senate that Messrs. Hill, Miller and Mathews were appointed a new committee of conference on the amendment made by the senate to the bill entitled 'a bill to incorporate the Clinton and Adrian railroad company,' and asking the appointment of a similar committee on the part of the senate.

The senate, on motion of Mr. Barry, thereupon agreed to a second committee of conference on the above amendment; and Messrs. Barry, Britain and Davis were appointed said committee.

The senate then resolved itself into committee of the whole, Mr. Moody in the chair, on the bill entitled 'a bill making appropriations for the year 1836, and for other purposes,' and after some time spent thereon, the committee rose and reported progress, and asked and obtained leave to sit again.

And the senate, on motion of Mr. Barry, took a recess to 7 o'clock, P.M.

## EVENING SESSION.

Seven o'clock, P. M.

The senate met pursuant to adjournment.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, the bill entitled 'an act to create a fund for the benefit of the creditors of moneyed incorporations.'

The senate then again resolved itself into committee of the whole, Mr. Moody in the chair, on the bill entitled 'a bill making appropriations for the year 1836, and for other purposes,' and after some time spent thereon, the committee rose, and through their chairman, reported the same back with sundry amendments, in which they asked the concurrence of the senate.

And the senate thereupon concurred in said amendments; and the bill was ordered to be engrossed for third reading.

A message from the house of representative was received through their clerk, as follows:

'Mr. President:

In accordance with the rules of the house of representatives, I herewith return to the senate, from whence it originated, a bill entitled 'a bill to provide for the payment of the militia, for their services in supporting the supremacy of the laws,' with sundry amendments made thereto by the house of representatives, in which they respectfully ask the concurrence of the senate:

'I also forward to the senate, from whence it originated, 'a resolution relative to the bank of Washtenaw,' with an amendment made thereto by the house of representatives, to stand as a substitute, in which they respectfully ask the concurrence of the senate.'

The amendments made by the house of representatives to the bill entitled 'a bill to provide for the payment of the militia for their services in supporting the supremacy of the

laws of Michigan, and for other purposes,' were non-concurred in by the senate, by yeas and nays, as follows:

Yeas—Messrs. Davis, Hough, Raynale—3.

Nays—Messrs. Britain, Clarke, Ellis, McDonell, Moody, Stockton, Ten Eyck, President pro tem—8.

And the senate, on motion of Mr. Davis, thereupon agreed to a committee of conference on said amendments, and Messrs. Davis, Stockton and Ellis, were appointed said committee.

Mr. Davis from the select committee to whom had been committed the bill entitled 'a bill to authorize the sale of certain lands,' reported the same back with certain amendments: and the bill was ordered to be engrossed for third reading.

Mr. Ellis, from the committee on enrolment reported as correctly engrossed the bill entitled 'a bill to incorporate the village New Buffalo.'

The amendments made by the house of representatives to the resolution relating to the bank of Washtenaw, having been taken up, the resolution and amendments, were laid on the table, by yeas and nays, as follows:

Yeas—Messrs. Britain, Hough, McDonell, Moody, Raynale, Ten Eyck, President pro tem—7.

Nays—Messrs. Clarke, Davis, Ellis, Stockton—4.

• The senate, on motion of Mr. McDonell, then resolved itself into committee of the whole, Mr. Clark in the chair, on the bill entitled 'a bill to provide for the assessment and collection of state taxes and to amend the acts herein mentioned:' and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

A message was received from the Executive, through the secretary of state, as follows:

*'To the senate—*

I have this day approved and filed in the office of the secretary of state the following acts, viz:

'An act to establish a court of chancery and for other purposes.'

'An act to incorporate the members of the Detroit Young Mens' Society.'

'An act to incorporate the Shelby and Belle River railroad company.'

STEVENS T. MASON.

March 26, 1836.'

Mr. Stockton moved that the senate do now adjourn, which was lost.

The bills from the house of representatives entitled 'a bill to incorporate the stockholders of the Calhoun county bank,' and 'a bill to incorporate the stockholders of the bank of St. Clair,' were severally read a second time, and committed to committee of the whole.

And the senate adjourned.

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MONDAY, March 28, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent without leave: Messrs. Durocher, Hascall.

Mr. Ten Eyck, from the committee on Indian affairs, to whom had been referred the petition of Charles Paulin and Terrace Paulin, made a report thereon, which was accepted: and the committee discharged from the further consideration of the subject.

Mr. Clark, from the joint committee of conference on the amendments made by the house of representatives to the bill entitled 'a bill to incorporate the St. Clair and Grand river railroad company,' made the following report, which was concurred in by the senate, viz:

Restore as in the original first section, the name of 'N. O. Sargeant,' and strike out of the same 'William Black;' and in the 4th section restore the time as when the bill passed the senate.

Mr. Ellis, from the committee on enrolment, reported as



correctly enrolled, bills and a resolution, entitled as follows, viz :

‘An act making appropriations in part for the year 1836, and fixing the pay of officers and members of the legislature;’

‘An act in addition to an act entitled an act to amend an act entitled an act to incorporate the Erie and Kalamazoo railroad company;’

‘An act for the better regulation of the office of county treasurer;’

‘An act to authorize the supervisors of St. Clair county to loan a certain sum of money;’

‘An act to incorporate the the Huron canal and manufacturing company;’

‘An act to incorporate Marshall Academy at White Pigeon;’

‘A resolution relative to the state revenue;’

‘An act to incorporate the Kalamazoo and lake Michigan railroad company;’

‘An act to incorporate the stockholders of the Monroe and Ann Arbor railroad company;’ and

‘An act to incorporate the Palmyra and Jacksonburgh railroad company.’

Which said bills and resolution, together with the enrolled bill entitled ‘an act to create a fund for the benefit of the creditors of certain moneyed corporations,’ previously reported, were presented to the governor for his signature.

Mr. Barry from the joint committee of conference to whom was referred the disagreement of the senate and house of representatives, on the amendments adopted by the senate, to the bill to incorporate the Clinton and Adrian railroad company, reported that the committee were equally divided and consequently could not agree upon any adjustment of the disagreement between the two houses.

And the senate on motion of Mr. Barry, thereupon re-  
ced-

ed from their amendment to the above bill by yeas and nays, as follows:

Yeas—Messrs. Barry, Clarke, Comstock, Ellis, Moody, Rumsey, Ten Eyck—7.

Nays—Messrs. Davis, McDonell—2.

On motion of Mr. McDonell, leave of absence was granted to Messrs. Hough and Raynale, detained by sickness.

On motion of Mr. McDonell,

*Resolved*, That the auditor general be directed to cause the accounts rendered by the auditor general and state treasurer, to the senate, and also the accounts rendered by the auditor and treasurer of the late territorial government, in November last, to be published within two months, in the newspapers authorized to publish the laws.

Mr. Rumsey gave notice that he should on some future day ask leave to bring in a bill to provide for the assessment and collection of county and township taxes, in such manner as to raise taxes on lands, and exclude improvements and stock to a certain amount from taxation.

On motion of Mr. Stockton,

The vote on ordering the bill entitled 'a bill making appropriations for the year 1836, and for other purposes,' to be engrossed, was reconsidered, and the bill amended by striking out (sec. 3,) the words 'two hundred and fifty' and inserting 'four hundred and forty-one,' by striking out 'seven hundred and forty-two dollars and ninety cents' and inserting 'seven hundred and eighty dollars and fifty-six cents,' and by striking out 'four' and inserting 'seven.'

Mr. McDonell moved to reconsider the vote on striking out so much as relates to an appropriation for copying the laws, preparing marginal notes and index to laws; which was lost by yeas and nays, as follows:

Yeas—Messrs. Britain, Davis, McDonell, Moody, Rumsey—5.

Nays—Messrs. Barry, Clarke, Comstock, Ellis, Stockton, Ten Eyck—6.

Mr. Ellis moved to strike out after 'three hundred' the words 'and fifty,' which was lost by yeas and nays as follows:

Yeas—Messrs. Barry, Clarke, Comstock, Ellis—4.

Nays—Messrs. Britain, Davis, McDonell, Moody, Rumsey, Stockton, Ten Eyck—7.

Amendments having been offered by Messrs. Britain and McDonell to sec. 3. relative to providing for copying the laws, &c., the bill was committed to the committee on finance.

A message from the house of representatives was received through their clerk, returning to the senate the resolution relative to the records of the late territorial government without amendment; and forwarding to the senate for their concurrence 'a bill to authorize the building of certain dams across the river Raisin.'

The engrossed bill entitled 'a bill to incorporate the Havre Branch railroad company' was read a third time, and passed, two-thirds voting in the affirmative.

And the senate, on motion of Mr. Barry, then went into consideration of executive business.

When the doors were opened,

The bill from the house of representatives entitled 'a bill to authorize the building of certain dams across the river Raisin,' was read a first and second time, and laid on the table.

The engrossed bill entitled 'a bill to lay out and establish a certain state road,' was read a third time and passed.

The engrossed bill entitled 'a bill to authorize the sale of certain lands,' was read a third time, and, on motion of Mr. Davis, recommitted to the select committee, who reported the same.

The engrossed bill entitled 'a bill to incorporate the Mackinac and Saginaw railroad company,' was laid on the table.

Mr. McDonell, from the committee on finance, to whom had been committed the bill entitled 'a bill making appropriations for the year 1836, and for other purposes,' reported

the same with two additional items as an amendment to section 3, which were concurred in by the senate. And the bill was thereupon read a third time and passed.

Mr. Davis, from the select committee to whom had been recommitted the bill entitled 'a bill to authorize the sale of certain lands,' reported the same back with an amendment which was concurred in by the senate; and the bill then passed.

The vote on committing to committee of the whole, the bills from the house of representatives entitled as follows: 'a bill to incorporate the stockholders of the Calhoun county bank;' 'a bill to incorporate the stockholders of the bank of St. Clair;' 'a bill to incorporate the stockholders of the Oakland county bank;' and 'a bill to incorporate the stockholders of the bank of Ypsilanti;' having been reconsidered, said bills were referred to a select committee; and Messrs. Clarke, Ellis and Comstock, were appointed that committee.

The senate, on motion of Mr. Barry, then took a recess for half an hour.

When the senate was again called to order, a quorum not being present, the senate adjourned to 3 o'clock P. M.

#### AFTERNOON SESSION.

Three o'clock, P. M.

Mr. Rumsey from the committee of conference on the amendments made by the house of representatives to the bill entitled 'a bill authorizing the building of dams in certain rivers,' reported that said committee recommended a concurrence in said amendments from the house of representatives; and the senate thereupon concurred in said amendments.

Mr. Clark, from the select committee to whom had been referred the bills entitled 'a bill to incorporate the stockholders of the bank of St. Clair,' and 'a bill to incorporate the stockholders of the Calhoun county bank,' reported the same back without amendment.

Mr. Barry moved a call of the senate, which being sus-

tained, the following members were absent without leave: Messrs. Britain, Durocher, Hascall, Ten Eyck; absent on leave, Messrs. Finch, Hough, Raynale.

Mr. Clark, from the select committee to whom had been committed the bills entitled 'a bill to incorporate the stockholders of the Oakland county bank,' and 'a bill to incorporate the stockholders of the bank of Ypsilanti,' reported the same back without amendment.

Mr. Ellis moved that the four bank bills be laid upon the table until the first day of the next session, which was lost by yeas and nays as follows:

Yeas—Messrs. Ellis, Rumsey, Stockton—3.

Nays—Messrs. Britain, Clarke, Comstock, Davis, McDonell, Moody—6.

On motion of Mr. Clarke, leave of absence was granted to Mr. Ten Eyck.

The bill from the house of representatives entitled 'a bill to incorporate the stockholders of the bank of St. Clair,' was ordered to a third reading; and the bill was read a third time; and the question being on the passage of the bill, Mr. Stockton moved a call of the senate, which being sustained, the following members were absent: Messrs. Barry, Durocher, Hascall: absent on leave, Messrs. Finch, Hough, Raynale, Ten Eyck.

Mr. Ellis moved that the bill be committed to the committee on incorporations, which was lost by yeas and nays, as follows:

Yeas—Messrs. Barry, Ellis, McDonell, Rumsey, Stockton—5.

Nays—Messrs. Britain, Clarke, Comstock, Davis, Moody, President—6.

A message from the house of representatives was received through their clerk, returning without amendment the bill entitled 'a bill to incorporate the Havre Branch railroad company,' and the bill entitled 'a bill making appropriations for

the year 1836, and for other purposes,' with certain amendments, in which they asked the concurrence of the senate.

Mr. Barry moved to commit the bill to committee of the whole, which was lost by yeas and nays as follows:

Yeas—Messrs. Barry, Ellis, McDonell—3.

Nays—Messrs. Britain, Clarke, Comstock, Davis, Moody, Rumsey, Stockton—7.

Mr. Barry moved that the question on the passage of the bill be postponed until the second day of the next session, which was lost by yeas and nays, as follows:

Yeas—Messrs. Barry, Ellis, Rumsey, Stockton—4.

Nays—Messrs. Britain, Clarke, Comstock, Davis, McDonell, Moody—6.

Mr. Ellis moved that the bill be recommitted to the select committee with instructions to name the place where said bank is to be located: which motion did not prevail.

The question being on the final passage of the bill, it was declared lost, two-thirds not voting in the affirmative, the yeas and nays, being as follows:

Yeas—Messrs. Britain, Clarke, Comstock, Davis, Moody, Rumsey—6.

Nays—Messrs. Barry, Ellis, McDonell, Stockton—4.

The bill entitled 'a bill to incorporate the stockholders of the Calhoun county Bank,' having been taken up,

Mr. Barry moved to amend said bill by adding an additional section requiring bonds of the directors, previous to commencing operations; which was lost by yeas and nays, as follows:

Yeas—Messrs. Barry, Ellis—2.

Nays—Messrs. Britain, Clarke, Comstock, Davis, McDonell, Moody, Rumsey, Stockton—8.

The bill was then ordered to a third reading, and having been read a third time, passed the senate, two-thirds voting in the affirmative by yeas and nays, as follows:

Yeas—Messrs. Britain, Clark, Comstock, Davis, McDonell, Moody, Rumsey—7.

Nays—Messrs. Barry, Ellis, Stockton—3.

On motion of Mr. Stockton, the vote on the final passage of the bill from the house of representatives entitled, 'a bill to incorporate the stockholders of the bank of St. Clair,' was reconsidered; and said bill then passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Britain, Clarke, Comstock, Davis, Moody, Rumsey, Stockton—7.

Nays—Messrs. Barry, Ellis, McDonell—3.

The bill from the house of representatives entitled 'a bill to incorporate the Oakland county bank,' having been taken up, Mr. Barry moved to amend by inserting in sec. 1, after the word 'Oakland' the words 'or Macomb;' which was lost.

And the bill was then ordered to a third reading, and having been read a third time, and the question being on the final passage of the bill, it was declared lost: two-thirds not voting in the affirmative, the yeas and nays being as follows:

Yeas—Messrs. Britain, Clarke, Comstock, Davis, Moody, Stockton—6.

Nays—Messrs. Barry, Ellis, McDonell, Rumsey—4.

The bill from the house of representatives entitled 'a bill to incorporate the stockholders of the bank of Ypsilanti,' was ordered to a third reading, and thereupon read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Britain, Clarké, Comstock, Davis, Ellis, McDonell, Rumsey—7.

Nays—Messrs. Barry, Moody, Ten Eyck—3.

On motion of Mr. Rumsey,

The vote on the final passage of the bill from the house of representatives, entitled 'a bill to incorporate the Oakland county bank,' was reconsidered.

And the question recurring on the final passage of the bill, Mr. Rumsey moved a call of the senate, which being sustained, the following members were absent: Messrs. Barry, Durocher, Hascall; absent on leave, Messrs. Finch, Hough,

Raynale, Ten Eyck: and, on motion of Mr. Moody, the ser-geant-at-arms was sent for Mr. Barry.

The question being on the final passage of the above bill, the bill passed, two thirds voting in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Britain, Clarke, Comstock, Davis, Rumsey, Stockton—6.

Nays—Messrs. Ellis, McDonell, Moody—3.

A message from the house of representatives, was received through their clerk, as follows:

‘Mr. President—

In accordance with the rules of the house of representatives, I herewith return to the senate, from whence it originated, a bill entitled ‘A bill to incorporate the village of New Buffalo,’ without amendment:

‘I also am directed to inform the senate that Messrs. Noyes, Morse, Brewer, have been appointed as a committee of conference on the part of the house of representatives, on amendments to the bill entitled ‘a bill to provide for the payment of the militia for their services in supporting the supremacy of the laws;’ and that Messrs. Summers, Alden, Lothrop, have been appointed as a committee of conference on the part of the house of representatives, on the amendments made to the bill entitled ‘a bill to authorize the building a dam in Grand river:’

‘I also forward to the senate, for their concurrence, a bill entitled ‘an act to enable certain minors to convey real estate.’

A message from the Executive was received through the secretary of state, as follows:

‘*To the senate:*

I have this day approved and filed in the office of the secretary of state the following acts, viz:

‘An act to authorize the supervisors of St. Clair county to loan a certain sum of money;’

‘An act to incorporate Marshal Academy at White Pigeon;’

‘A resolution relative to the state revenue;’



'An act to incorporate the Huron canal and manufacturing company;'

'An act for the better regulation of the office of county treasurer;'

'An act to create a fund for the benefit of the creditors of certain moneyed corporations;'

'An act to incorporate the Kalamazoo and Lake Michigan railroad company;'

'An act to incorporate the village of Marshall;'

'An act to incorporate the Monroe and Ypsilanti railroad company;'

'An act authorizing the board of supervisors of the county of Washtenaw to raise money to erect public buildings;'

'An act to incorporate the stockholders of the Monroe and Ann Arbor railroad company;'

'An act to legalize the acts of the Wardens and Vestrymen of Calvary church, Adrian, Lenawee county.'

STEVENS T. MASON.

March 23, 1836.'

The engrossed bill, entitled 'a bill to incorporate the Detroit house carpenters and joiners' mutual benefit society,' was read a third time and passed, two thirds voting in the affirmative.

The amendments made by the house of representatives to the bill entitled 'a bill making appropriations for the year 1836, and for other purposes,' were concurred in by the senate.

Mr. Davis, from the joint committee of conference on the amendments made by the house of representatives to the bill entitled 'a bill to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan, and for other purposes,' reported that said committee recommended a concurrence in said amendments, with the exception of the first proviso to the second section.

A call of the senate being made, and the following mem-

bers being absent without leave, Messrs. Clarke, Durocher, Hascall—the sergeant-at-arms was sent for Mr. Clarke.

The question being put on concurring in the first amendment made by the house of representatives, being to strike out in section 1, the words ‘the sum of seven thousand eight hundred and twenty-six,’ and insert ‘a sum not exceeding fifteen thousand dollars;’ the amendment was concurred in by yeas and nays, as follows:

Yeas—Messrs. Britain, Comstock, Davis, Ellis, McDonell, Moody, Rumsey—7.

Nays—Messrs. Barry, Clarke, Stockton—3.

Mr. Clarke moved a call of the senate, which being sustained, and the following members being absent without leave—Messrs. Durocher, Hascall, Stockton—the sergeant-at-arms was sent for Mr. Stockton.

The question on concurring in the amendment made by the house of representatives to section 2, to strike out all after the words ‘paid to,’ and insert ‘each officer, non-commissioned officer, musician and private, one month’s regular pay,’ was adopted by yeas and nays, as follows:

Yeas—Messrs. Britain, Comstock, Davis, McDonell, Moody, Rumsey—6.

Nays—Messrs. Barry, Clarke, Ellis—3.

The other amendments were then severally concurred in by the senate.

A message from the house of representatives was received through their clerk, informing the senate that they had passed, without amendment, the ‘resolution relative to papers in the office of the secretary of the late territorial government;’ and also returning to the senate the bill entitled ‘a bill to lay out and establish state roads,’ with amendments, in which they respectfully asked the concurrence of the senate.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled the bill entitled ‘an act to authorize the building of certain dams,’ which was thereafter presented to the governor for his signature.

A message was received from the house of representatives transmitting the following resolution for the concurrence of the senate:

*Resolved*, (if the senate concur) That the senate and house of representatives will meet forthwith in the hall of the house of representatives, to receive a nomination from the Executive for a bank commissioner.

And the senate thereupon concurred in said resolution.

A message from the executive was received through the secretary of state as follows:

*'To the senate:—*

I have this day approved and filed in the office of the secretary of state the following acts viz:

*'An act to incorporate the village of Adrian;'*

*'An act to authorize the governor to confirm the location of the seat of justice of the county of Van Buren;'*

*'An act to amend an act entitled an act to prescribe the tenure of office of auctioneers, and to lay a duty upon sales at auction in certain cases;'*

*'An act to attach a part of the county of Sanilac, for judicial purposes, to the county of Lapeer;'*

*'An act making appropriations in part for the year 1836, and fixing the pay of officers and members of the legislature;'*

*'An act in addition to an act entitled an act to amend an act entitled an act to incorporate the Erie and Kalamazoo railroad company;'*

*'An act concerning the attorney general and prosecuting attorneys;'*

*'An act to incorporate the stockholders of the Bank of Clinton;'*

*'An act to incorporate the Palmyra and Jacksonburgh railroad company.'*

STEVENS T. MASON.

March 28, 1836.'

A message was also received from the Executive, on executive business.

On motion of Mr. Ellis,

The amendments made by the house of representatives to the 'resolution in relation to the bank of Washtenaw,' were laid on the table.

A message was received from the house of representatives, through their clerk, transmitting a bill entitled 'a bill to authorize certain minors to convey real estate.'

A committee from the house of representatives was announced, who informed the senate that they had been appointed a committee, and were now ready to conduct the senate to the hall of the house of representatives.

And the senate, on motion of Mr. Barry, then proceeded to the hall of the house of representatives.

When the senate returned to their chamber, the president announced that the senate and house of representatives had met in joint convention to receive a nomination from the Executive for the office of bank commissioner, that they had received such nomination, and that the convention had postponed the consideration of said nomination until the first day of the next session.

And the senate then took a recess to 7 o'clock, P.M.

#### EVENING SESSION.

Seven o'clock P. M.

The senate having been called to order, and a quorum not being present, Mr. Britain moved a call of the senate, when the following members were absent without leave: Messrs. Barry, Comstock, Durocher, Hascall, McDonell, Moody, Rumsey, Stockton; and the sergeant-at-arms was sent for such absent members.

The amendments made by the house of representatives to the bill entitled 'a bill to lay out and establish certain state roads,' were severally concurred in.

Mr. Comstock submitted the following joint resolution, which was adopted by the senate as follows:

*Resolved by the senate and house of representatives, That the capitol with its appurtenances, be placed under the charge*

of the joint committee on ways and means, according to the existing regulations, during the vacation of the legislature; and that said committee cause all furniture belonging to said building to be placed therein.

The amendments made by the house of representatives to the 'resolution in relation to the bank of Washtenaw,' having been taken up, were non-concurred in by the senate.

The senate on motion of Mr. Barry, then went into consideration of executive business.

When the doors were opened,

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, bills and a resolution entitled as follows:

An act to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan, and for other purposes;

'An act to incorporate the Havre Branch railroad company.'

'An act to incorporate the St. Clair and Grand river railroad company.'

'A resolution directing all records belonging to the late territorial government to be filed in the office of secretary of state.

'An act making appropriations for the year 1836, and for other purposes.'

'An act to lay out and establish certain state roads.'

'An act to incorporate the village of New Buffalo.'

Which bills and resolution were presented to the governor for his signature.

A message was received from the house of representatives returning without amendment the resolution relative to the capitol, and transmitting the following resolution for the concurrence of the senate.

*Resolved*, (if the senate concur,) That the senate and house of representatives will meet at 10 o'clock this evening, in the hall of the house of representatives, to receive a nomination from the executive, for a bank commissioner.

And the senate thereupon concurred in said resolution.

A quorum not being present, Mr. Moody moved a call of the senate, which being sustained, the following members were absent without leave: Messrs. Barry, Durocher, Ellis, Hascall, Stockton.

A quorum not having convened,

Mr. Comstock moved a new call of the senate, which being sustained, the following members were absent without leave: Messrs. Barry, Durocher, Ellis, Hascall, Stockton;—absent on leave; Messrs. Finch, Hough, Raynale, Ten Eyck.

On motion of Mr. Comstock,

The sergeant-at-arms was sent to request the attendance of all absent members in the city, whether absent on leave or without leave, who could possibly be brought to attend.

The senate on motion of Mr. McDonell took a recess of fifteen minutes.

The senate having been called to order, and a call having been made, the following members were absent without leave: Messrs. Barry, Durocher, Ellis, Hascall, Stockton;—absent on leave, Messrs. Raynale Ten Eyck.

The bill from the house of representatives entitled 'a bill to authorize certain minors to convey real estate,' was laid on the table.

Mr. Moody, from the committee on enrolment, reported as correctly enroled, 'a resolution relative to the capitol.'

A committee from the house of representatives was announced who informed the senate that they had been appointed a committee for the purpose, and that they were now ready to conduct the senate to the hall of the house of representatives.

On motion of Mr. McDone'l,

The committee of the whole were discharged from the further consideration of the bill entitled 'a bill to provide for the assessment and collection of state taxes, and to amend

the acts herein mentioned;' and the bill was ordered to a third reading, and thereupon read a third time and passed.'

On motion of Mr. Comstock,

The vote on laying the bill from the house of representatives entitled 'a bill to authorize certain minors to convey real estate,' on the table was reconsidered; and the bill was then read a first and second time, and the bill was ordered to a third reading, and read a third time; and the question being on the passage of the bill, the bill, on motion of Mr. Clarke was laid on the table.

On motion of Mr. Clark,

A committee of three was appointed to wait on the gov. to inquire if he had any further communication to make to either house; and Messrs. Clarke, Moody and Britain, were appointed said committee.

A message from the executive was received through the secretary of state, as follows:

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state the following acts, viz:

'An act to incorporate the Clinton and Adrian railroad company.'

'An act relative to state roads.'

'An act making appropriations for the year eighteen hundred and thirty-six and for other purposes.'

'An act to incorporate the village of New Buffalo.

'An act to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan and for other purposes.'

'An act to incorporate the Havre Branch railroad company.'

'An act to incorporate the Wall Lake Steam Mill Company.'

'An act to authorize the building of certain dams.'

'An act to lay out and establish certain state roads.'

'A resolution directing all records belonging to the territo-

rial government to be filed in the office of the secretary of state.

'A resolution relative to the capitol.'

'An act to incorporate the stockholders of the bank of Ypsilanti.'

'An act to incorporate the Oakland county bank.'

'An act to incorporate the stockholders of the Calhoun county bank.'

'An act to incorporate the stockholders of the bank of St. Clair.'

STEVENS T. MASON.

March 28, 1836.'

Also a message on Executive business.

The senate then again went into the consideration of executive business.

When the doors were opened,

A message was received from the house of representatives, through their clerk, informing the senate that they had passed the bill entitled 'a bill to provide for the assessment and collection of state taxes, and to amend the acts herein mentioned,' without amendment.

And the senate, on motion of Mr. Comstock, then repaired to the hall of the house of representatives, to receive from the executive a nomination for bank commissioner; the motion being decided in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Britain, Comstock, Davis, Finch, Hough, McDonell, Moody, Rumsey—8.

Nays—Mr. Clark—1.

When the senate returned to their chamber, the President announced, that the senate and house of representatives having met in joint convention for that purpose, the governor had nominated, and the two houses by a joint vote had advised and consented to the nomination of Robert McClelland, of Monroe, for the office of bank commissioner of the state of Michigan.



On motion of Mr. Comstock, a committee of three was appointed to wait upon the governor, and inquire if he had any further communication to make to either house: and Messrs. Comstock, Clarke and Britain were appointed said committee.

The committee returned and informed the senate that they had performed the duty assigned them, and reported that the Executive had informed them that there was still some business before the house of representatives which would require his action; and that he would make a further communication to the senate.

Mr. Moody, from the committee on enrolment, reported as correctly enrolled, the bill entitled 'an act to provide for the assessment and collection of state taxes, and to amend the acts herein mentioned.'

On motion of Mr. McDonell, the vote on laying upon the table, the bill from the house of representatives entitled 'a bill to authorize certain minors to convey real estate,' was reconsidered; and the bill was then taken up and passed.

Messrs. McDonell and Davis were appointed a committee to wait upon the governor to inquire if he had any further communication to make to the senate.

The following message was received from the executive:  
*'To the Senate:*

I have approved and filed in the office of the secretary of state, 'An act to provide for the assessment and collection of state taxes, and to amend the acts herein mentioned.'

STEVENS T. MASON.

March 23, 1836.

Mr. McDonell, from the committee appointed to wait upon the executive, reported that the executive had informed them that there was some business before the house of representatives which would require a communication being made to that house.

Mr. McDonell having taken the chair,

It was, on motion of Mr. Davis,

*Resolved*, (unanimously) That the thanks of the senate are due to the president of the senate, for the able, candid, and impartial manner in which he has discharged the duties of that office during the present session of the legislature.

The president having resumed the chair, addressed the senate, and returned his thanks for the unanimous vote just adopted.

On motion of Mr. Britain,

*Ordered*, That the injunction of secrecy be taken off from the executive journal.

On motion of Mr. Rumsey,

Messrs. Britain and Davis were appointed a committee to inform the house of representatives that the senate were now ready to adjourn, and to inquire if they had any further communication to make to the senate.

Mr. Davis, from said committee, reported that the house of representatives had no further communication to make to the senate, and that there was no further business before them which would require the action of the senate.

Mr. Comstock moved that the senate do now adjourn sine die; which motion prevailed: and the president therefore declared the senate adjourned sine die.



# SENATE JOURNAL.

## EXTRA SESSION.

July 11th—26th, 1836.

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MONDAY, July 11, 1836.

The senate convened this day in their chamber in the capitol in the city of Detroit in pursuance of a proclamation of the executive.

The roll being called, the following members answered to their names:—Messrs. Britain, Davis, Ellis, Hascall, Hough, McDonell, Moody, Rumsey, Ten Eyck.

The president having announced a quorum to be present, On motion of Mr. McDonell,

A committee of two were appointed to inform the house of representatives that a quorum of the senate was present and that they were now organized and ready to proceed to business.

Messrs. McDonell and Britain were appointed that committee.

Mr. McDonell from said committee reported that they had performed the duty assigned them.

A committee from the house of representatives was announ-

ced who informed the senate that a quorum of the house of representatives were present, and that they were now organized, and ready to proceed to business.

A message from the house of representatives, was received through their clerk, informing the senate that Messrs. Whipple and Felch had been appointed a committee on the part of the house to wait on the governor and inform him that both houses of the legislature were now organized and ready to proceed to business, and respectfully requesting the appointment of a similar committee on the part of the senate.

The senate on motion of Mr. Moody, thereupon agreed to the appointment of a committee of two to act with the above committee of the house of representatives: and Messrs. Moody and Hascall were appointed on said committee on the part of the senate.

Mr. Moody, from said committee reported that the committee of both houses had waited upon the governor, and that he had informed them that he would make a communication forthwith to both houses.

The governor thereupon transmitted, through Mr. Prichette, secretary of state, the following

#### MESSAGE.

*Fellow citizens of the senate and of the house of representatives:—*

By virtue of an authority conferred by the constitution, I have convened you at this time for the purpose of receiving the decision of the congress of the U. States, on the application made by our senators and representatives for the admission of Michigan as a member of the federal union. Altho' we possessed the best grounded hopes for an early admission, such has been the embarrassment thrown around our application by questions foreign to the one at issue, that congress did not arrive at their final action on the subject until a late day of their session. The result of their deliberations has been, the passage of a law, accepting, ratifying and confirming the constitution and state government formed for them.

selves by the people of Michigan, and admitting the state thus formed into the union upon certain conditions therein expressed. This act is herewith transmitted to you, for your more satisfactory information.

The act of Congress which is submitted to you, is entitled 'An act to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the union on the conditions therein expressed.' Section first declares, 'that the northern boundary line of the state of Ohio shall be established at, and shall be a direct line drawn from the southerly extremity of Lake Michigan to the most northerly cape of the Maumee bay, after the line so drawn, shall intersect the eastern boundary line of the state of Indiana.' This is the boundary line as has been claimed by Ohio in her dispute with Michigan, and it is conclusive and final so far as the provision of this act extends; it is not effected by, nor made dependent on, the conditions embraced within the third section of this act. An argument in illustration of this view of the subject, is rendered unnecessary however by the fact, that a distinct and separate bill has received the approval of the president of the United States, confirming to Ohio the district of country in contestation. Under this latter law, Ohio claims her title and jurisdiction, and that claim, so far as it is warranted by the validity of the law, is not affected by the acceptance or rejection of the conditions submitted to the people of Michigan in the act before you.

By the second section of the act providing for the admission of the state into the Union, it is ordained, *'that the constitution and state government which the people of Michigan have formed for themselves, be, and the same is hereby accepted ratified, and confirmed;* and that the said state of Michigan shall be, and is hereby admitted into the Union upon an equal footing with the original states in all respects whatsoever: Provided, always, that *that admission* is upon the express condition, that the said state shall consist of, and have jurisdiction over the territory included within the boun-

daries prescribed by congress and none other.—Those boundaries yield to Ohio and Indiana, that portion of our south-  
erd border claimed by those two states, and annex to the  
state of Michigan a district of country embracing about  
twenty-two thousand square miles, lying north and north-  
west of the Menominee river of Green Bay, and the Mon-  
treal river of lake Superior.

In the third section it is provided, that as 'a compliance  
with the fundamental *conditions of admission* contained in the  
last preceeding section, the boundaries of the said state of  
Michigan, as in that section described, shall receive the as-  
sent of a convention of the people of the said state, for the  
sole purpose of giving the assent herein required;' and that  
as soon as this assent shall be given, the president of the  
United States shall announce the same by proclamation, and  
that upon his proclamation, the admission of the state into  
the Union, shall be complete without any further action on  
the part of congress. It will be here observed, that the con-  
dition referred to by congress, is a condition upon which the  
state is to be *admitted into the Union*, and that it does not  
effect the stability of the state government. The constitu-  
tion formed by the people of Michigan having been accepted,  
ratified and confirmed, their state government is irrevocably  
fixed and established. This is clearly shown by the fact,  
that the boundaries of the state as prescribed by congress are  
'to receive the assent of a convention of the people of the said  
state.'

The people of Michigan have thus placed before them, the  
conditions upon which they will be received into the federal  
union. It is left for themselves to determine upon the alter-  
natives submitted to them. With a constitution and state  
government framed for themselves, and accepted by congress,  
they are to choose between submitting to an encroachment  
upon their compact rights, by a system of partial legislation,  
having for its object the aggrandizement of one portion of

the union at the expense of another, or resisting that encroachment at all hazards, carrying into full effect, at the same time, all the rights and privileges of a sovereign and independent state, though excluded from the bonds of the confederacy.

Our duty at present, fellow citizens, is a limited one. In our official capacities, we have no concern with the acceptance or rejection of the conditions annexed to the terms of our admission; they have not been submitted by congress for our action, and we can certainly lay no claim to a right to judge for the people. All that we can do is, to pass the necessary law required for sending them to our fellow citizens for their decision. The details of such a law are left to your judgment; they will readily occur to you, and I recommend its passage at as early a day as will meet your convenience.

I find it difficult, fellow citizens, to suppress the feelings which are naturally excited upon this occasion, or to allude to this dismemberment of our territory in that respectful language, [which is perhaps due to those at whose hands it has been effected. I feel as every citizen of Michigan must feel; that the decision of congress has been made in violation of every principle of justice, and that to censure where it is due is the prerogative of the people; that the result of their labors is but the triumph of might over right, based upon considerations of temporary expediency; and that the stamp of its legitimacy is to be wrung from the unwilling assent of a patriotic and high minded people. In fact, the question of right between the parties has been avowedly disregarded by congress, and their action placed upon the exclusive ground of expediency: thus establishing a precedent which must work evil of the utmost magnitude to our civil institutions, and which if persisted in whenever individual or sectional interests may demand it, will convert a government of laws into the most oppressive and worst of despotisms—a government of expediency.

The grounds upon which we have based our claim to the



district of country in contestation with Ohio, have so often been brought before you, and are so fully understood, that it would prove unnecessary if not supererogatory here to recapitulate them. It is sufficient to state, that they are derived from the compact with Virginia of seventeen hundred and eighty-seven, and the act of congress of eighteen hundred and five, by which the people of Michigan had secured to them a separate government, with expressly defined and irrevocable boundaries. The claim of the state of Ohio, if it existed at all, must have been one set up by color of law, arising from the conflicting legislation of the general government, and should consequently have been referred for adjustment to the judicial tribunals of the country. But congress have decreed otherwise, and have assumed to themselves exclusive jurisdiction over the subject ; they decide, that of right neither party can claim the territory in dispute, but that as a question of simple expediency it is given to Ohio. Such are the reasons upon which congress base a system of legislation, vitally affecting the rights of a community, claiming, under a compact to which the United States were a party, and for the sacred fulfilment of which they had given the solemn guarantee of their faith.

However much the people of Michigan may doubt the power of the general government to alter the constitutional boundaries of their state, they would have yielded respect to their legislation from patriotic considerations, had congress been content with the simple exercise of that power. They would have declared as they now do, the legislation to be unconstitutional, but as citizens of the United States, they would have silently acquiesced in it, appealing to another tribunal for the peaceable and constitutional redress secured to them by the institutions of their country. But they are denied such an alternative, and are driven to other extremes—resistance or unqualified submission. We are told, that we shall not question the proceedings of congress, and that unless we give our assent to a system of legislation which we

believe to be oppressive, illegal and unjust, we shall be denied the right of admission into the Union on an equal footing with the original states. Thus are we to be deprived of one right, unless we surrender another equally sacred, the right of an appeal to the federal judiciary; a right secured to the humblest individual, who may desire to approach a tribunal, framed to protect him against injustice and oppression, and intended to check the different departments of our government in the exercise of arbitrary and unconstitutional power.

If congress possesses the power to alter our boundaries, and to annex the disputed territory to Ohio, then is the act which they have passed, the supreme law of the land, any thing in the constitution of the state of Michigan to the contrary. By the second section of the fifth article of the federal constitution it is declared, that 'this constitution, and the laws of the United States which shall be made in pursuance thereof shall be the supreme law of the land, and the judges of any state shall be bound thereby, any thing in the constitution or laws of any state to the contrary, notwithstanding.' What stronger security could be required by the state of Ohio for the protection of her rights than this, if the power which has been exercised by congress belongs to them? If the act of congress be passed in pursuance of the constitution of the United States, it is the supreme law of the land, and the judges of the courts of Michigan are bound to obey its provisions, 'any thing in our state constitution to the contrary notwithstanding.' I would ask then, if the sanction required of the people of Michigan to this legislation, does not imply a doubt on the part of congress, as to the constitutionality of their own act?

The power of congress over the question of our admission, being confined to the simple inquiry—is the constitution and state government formed by the people of Michigan republican, it was their duty to have admitted the state into the Union, and have referred all incidental questions arising under the application, for adjudication before the judicial de-

partment of the government. The contrary course as pursued by them, evinces a determination to usurp powers belonging to another tribunal, and breaks down the barrier established by the constitution between the judicial and legislative branches of the government. Was it not enough that congress should assume the power of legislating from us a portion of our soil, without demanding from us the humiliation of adding our assent to the measure of our wrongs? The right of questioning their proceedings is secured to us by the constitution, and yet we are required to bow in humble submission to a power we do not acknowledge, a wisdom we cannot fathom!

The resistance of the revolution was not a resistance of sanguinary tyranny alone, but a contest for unalienable rights trampled upon by a British parliament, claiming to legislate for the people in all cases whatsoever. It was a revolution for principles; and when we recollect the succession of injuries which have been heaped upon the people of Michigan; when we review the respectful, and pacific remonstrances with which we have alone so far opposed them; when we see that our complaints have not been heard, or, if heard, have been answered with repeated and accumulated injury, it would seem to warn us, that the liberties of no people are safe, unless the government is sometimes taught they possess the spirit of resistance.

But, fellow citizens, there are other considerations vitally connected with the prosperity of the state, and involved in the subject before you, which should not be overlooked. We should be careful how far we suffer ourselves to be swayed alone by feelings, which however just and natural, ought not to usurp the exclusive direction of our councils. The question now at issue between the federal government and the state of Michigan is one involving the gravest considerations. It is acquiescence on the part of our people, or resolute and determined resistance. Are we not to hesitate before we make the latter choice? Is no sacrifice due to the character

and welfare of the nation? Should we not count the cost of the contest we are to embark in, and should we not look to its consequences to ourselves and to others? Can we obtain from the fears of a future congress, what the justice of the last has denied us? Is there a hope of a remedy by which we can redress the injustice done us? But above all, are we ready to sacrifice local feelings and prejudices to the prosperity and tranquility of our country? If the array of force and terror which is held up before us, by others, cannot obtain from us obedience to the legislation of congress, will we not recognize in the controversy the image of the nation's honor, which forbids violence and resistance?

Fellow citizens, to maintain unimpaired the integrity of our Union, and to preserve unstained the institutions of our country, is one of the first duties of every citizen. Will we hazard these stakes now, or will we present to the world an example of compromise of opinion and feeling, dictated by a spirit of patriotic forbearance, even when injustice demands it. The federal government was the great work of a spirit of compromise, and it is only by the exercise of the same spirit by the states, that it is to be perpetuated. Without this, its fall must inevitably come. The sacrifice we may make, will not perhaps arrest the approach of such an event, but we may derive consolation from the reflection that it is possibly procrastinated.

I trust my fellow citizens will credit me when I declare, that no one can feel more deeply than myself the humiliation of the sacrifice we are called upon to make. The preservation of the integrity of our territorial limits, has always been the highest object of my ambition. The boundaries claimed by us are our right, secured by an instrument as binding and sacred as the wisdom of man could frame it; and could we now calculate upon maintaining those boundaries with any hope of success, it would be our duty still to hazard the undertaking. In that hope I cannot be sanguine. I indulge the reflection that I have shown heretofore, that no personal interests could

govern me in my official conduct when the rights of those with whom I am indetified demanded their sacrifice : and when I am reminded of the favor with which that sacrifice has been received by my fellow citizens, and how much I owe to it my present elevation, I should prove recreant to my own reputation, and an ingrate to the people, could I now advise an unnecessary abandonment of their cause. Were I to consult the first impulse prompted by the feelings which every citizen of Michigan must acknowledge, I might be led into a determination to resist the legislation of congress; but as a public officer called upon to discard excited feelings, and warned that the permanent interests of the states are not to be overlooked, I should violate my duty did I recommend to my fellow citizens to embark in a controversy, offering so little hope of gain, but the certainty of permanent loss and lasting injury to ourselves and to the nation.

It must be a subject of congratulation, however, with the people of Michigan, so far as their reputation was involved in the controversy of the past year to know, that they were on the side of the constitution and the laws; and that the decision of congress sustains them in the course they then pursued, whilst it fixes the seal of condemnation upon the proceeding of Ohio.

The state of Ohio claimed the district of country in contestation with Michigan by virtue of constitutional right, and attempted by her own legislation to extend over it an unauthorized jurisdiction. The reports of both houses of congress upon the subject, declare the legal jurisdiction to have been vested in Michigan at the period to which reference is made, but recommend, that it should be surrendered to Ohio by special legislation. It is under this legislation of congress, that Ohio now assumes her jurisdiction. Will it not afford a subject of singular inquiry to the people of the United States, that a sovereign and independent member of the confederacy, demanding a constitutional right, should forget the high stand she has assumed, and sue for as a boon from congress,

that which, her public servants under the solemn oath of their offices, had previously declared to be secured by her constitution. Has she not abandoned, not from patriotic and elevated considerations of public good, but in the eager grasp of mercenary motives, the bold grounds upon which she based her claim and placed it before the nation? What a fall she has made from 'her high and palmy state.' Where is the chivalry of "*her million of freemen?*"

In the progress of the investigation of this subject, it may be well for us to consider, how far our situation may be analogous to that of the people of Missouri at the time they were admitted into the Union. Upon the formation of her constitution and state government, Missouri asserted and exercised all the reserved rights of an American state. The same rights are now guaranteed to Michigan; and if there heretofore existed doubts calculated to draw in question the independent character of her government, those doubts are removed by the legislation of congress, accepting and confirming her constitution. The condition annexed to the admission of Missouri, is also similar in character to that which is urged upon the people of Michigan. The people of Missouri in the mode prescribed by congress, gave their assent to the conditions of their admission, at the same time protesting against the constitutionality of the power exercised by the general government, and maintaining that their compliance with the *letter* of the act, did not, and could not, impair their constitutional rights. It may be therefore worthy the inquiry, how far the qualified assent of the people of Michigan, to the *letter*, of their conditional admission into the Union, would impair the force of their constitution or preclude the right of a future prosecution of their claims.

Our duty then fellow citizens, is to refer the subject to the only tribunal competent to determine it. That tribunal is the people. Their decision it is our duty to abide. That their rights have been violated cannot be doubted; and it is for them to decide what course shall now be pursued. So far as

I may be called upon to bear an humble lot, in carrying into full effect their decision, I can only say, that I will pursue **THEIR** will, disregarding all other considerations. The highest obligations I acknowledge, are due to the people of Michigan, and whatever may be their action on this all important question, it shall receive my support. It is due however to our own character, if we refuse our assent to the proposition of congress, that we should not surrender our jurisdiction over the territory in dispute. If we are unwilling to comply with the conditions of the government of the United States, it would ill become us to permit any jurisdiction, to be wrested from us by Ohio. Should we make the result a civil strife, let it be a contest for principle, and let every citizen be prepared to participate freely in its consequences.

I have thus, fellow citizens, availed myself of the opportunity offered, to lay before you such views as have occurred to me at the moment of presenting to you the leading object of your session. Subjects of minor importance requiring your attention, will be communicated by special messages. As the final decision of the question of admission into the Union, is to be given by a body elected for that purpose, it would perhaps have appeared indelicate if not presumptuous in me, to have suggested the adoption of any specific policy on the subject. I have therefore abstained from such a course. Relying upon the patriotism and intelligence of the people, I am content to submit the result to their action ; and with an humble confidence in the supreme ruler of the universe, I implore him to guide us to those measures which will lead to our lasting prosperity and happiness, and promote the permanent welfare of the UNION.

STEVENS T. MASON.

Detroit, July 11, 1836.

The message having been read,

On motion of Mr. McDonell,

*Ordered*, That 1,000 copies of the message together with

the accompanying document be printed for the use of the senate.

(*For document, see senate document No. 16.*)

On motion of Mr. Britain,

*Ordered*, That the secretary of the senate furnish a copy of the daily journal of the senate for publication in the Daily Free Press.

On motion of Mr. Hough,

*Resolved*, That the secretary of the senate be authorized to employ some competent person to serve as recording clerk of the senate.

Mr. Davis gave notice that he should on some future day ask leave to introduce a bill, authorizing the treasurer of the state of Michigan to pay such military claims as have been properly adjusted, agreeably to an act entitled 'an act to provide for the payment of the militia.'

The senate, on motion of Mr. Hascall, then adjourned to 10 o'clock, A. M. to-morrow.

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TUESDAY, July 12, 1836.

The senate met pursuant to adjournment.

Mr. Clark, from the 5th district, appeared and took his seat.

The roll being called, the following members were found to be absent: Messrs. Barry, Comstock, Durocher, Finch, Moody, Raynale, Stockton.

On motion of Mr. McDonell,

*Resolved*, That the standing committees of the last session be continued as the standing committees of the present.

Mr. Hascall presented the petition of John Biddle and others, for the incorporation of a wool and silk growing and manufacturing company: laid on the table for one day.

On motion of Mr. Hough,

*Resolved*, That so much of the message of his excellency the governor as relates to the calling of a convention be referred to the committee on state affairs.



Mr. Davis, in pursuance of previous notice, asked and obtained leave to bring in a bill to authorize the treasurer of the state to pay military scrip: and Messrs. Davis, Hascall and Britain, were appointed a committee for that purpose.

Mr. Davis, from said committee, brought in a bill entitled 'a bill to authorize the treasurer of the state to pay certain military scrip:' which having been read a first time, and by consent of three-fourths a second time, was, on motion of Mr. Hascall, ordered to be engrossed for third reading.

Several messages from the executive, with accompanying documents, were received through the secretary of state.

The message accompanying an act of congress, approved June 23d, 1836, entitled 'an act supplementary to the act entitled 'an act to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the Union upon certain conditions,'—having been read; Mr. McDonell moved to refer the message and documents to the committee on state affairs; Mr. Britain moved to amend by substituting the committee on the judiciary, which amendment prevailed, and the message and documents were so referred.

*(See Senate document No. 17.)*

The message from the executive, returning to the senate where it originated, with his objections, the bill which had passed both houses last session, entitled 'an act to incorporate the St. Clair and Grand River railroad company,' having been read, Mr. Clarke moved to refer said message and bill to a select committee of three; Mr. McDonell moved to lay the message on the table, which motion prevailed.

A message from the executive, transmitting an act of congress entitled 'an act to regulate the deposits of the public money,' [approved June 23d, 1836, having been read, the message and accompanying document, were, on motion of Mr. Britain, referred to the committee on finance.

*(See Senate document No. 18.)*

On motion of Mr. McDonell, leave of absence was granted to Mr. Barry for the present week.

The engrossed bill entitled 'a bill to authorize the treasurer of the state to pay certain military scrip,' having been read a third time, was passed.

On motion of Mr. Britain, an additional member was added to the committee on the judiciary; the chair appointed Mr. Britain said additional member.

On motion of Mr. Hascall, the vote on laying the petition presented this morning on the table was reconsidered; the question recurring on laying on the table was lost; and the petition, on motion of Mr. Hascall, was referred to the committee on manufactures.

The senate, on motion of Mr. Ellis, then adjourned to 10 o'clock, A. M. to-morrow.

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WEDNESDAY, July 13, 1836.

The senate met pursuant to adjournment.

Messrs. Raynale and Stockton, from the 5th district, appeared and took their seats.

The roll being called the following members were absent: Messrs. Comstock, Durocher, Finch—absent on leave, Mr. Barry.

Mr. McDonell, from the committee on finance to whom was referred a message from the executive transmitting an act of congress entitled 'an act to regulate the deposits of the public moneys,' brought in a bill entitled 'a bill empowering the treasurer of the state to receive from the secretary of the treasury of the United States, deposits of public moneys;' which bill having been read a first time, was laid on the table and ordered to be printed.

Mr. McDonell, from the committee on the judiciary, to whom had been referred a message from the executive, transmitting an act of congress, entitled 'an act supplementary to the act entitled 'an act to establish the northern boun-

dary line of the state of Ohio, and to provide for the admission of Michigan into the Union on certain conditions;—brought in an ordinance entitled ‘an ordinance relative to certain propositions made by the congress of the United States,’ which was read a first time, and laid on the table and ordered to be printed.

On motion of Mr. Hough,

*Resolved*, That the committee on elections be instructed to inquire into the propriety of the passage of an act at this session, to provide for the election of a representative, or representatives to congress, and that the committee report by bill or otherwise.

Mr. Moody gave notice that on some future day he would ask leave to bring in a bill to incorporate the Michigan silk growing and manufacturing company, with a capital of two hundred thousand dollars.

Mr. Moody gave notice that on some future day he would ask leave to bring in a bill to incorporate a bank, to be called the bank of the river Huron.

Mr. Moody gave notice that on some future day he would ask leave to bring in a bill to incorporate a bank to be located at Jacksonburgh in the county of Jackson.

Mr. Rumsey submitted the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for the election of justices of the peace and town officers, in townships where such justices and town officers have not been elected.

On motion of Mr. Davis, the resolution was amended by adding as follows:

‘And to legalize the acts of such officers as have acted under the state constitution.’

And the resolution so amended was thereupon adopted.

On motion of Mr. Stockton,

*Resolved*, That the committee on roads and bridges inquire into the expediency of making an appropriation for the pur-

pose of building a bridge over the Clinton river where the state road, leading from Detroit to Fort Gratiot, crosses the same.

On motion of Mr. Britain,

*Resolved*, That the committee on internal improvement be instructed to inquire into the expediency of making an appropriation for bridging the St. Joseph river at St. Joseph upon the state road.

On motion of Mr. Clarke,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by law, for the removal of justices of the peace and other county and township officers for mal practice or delinquency in office.

Mr. Clark gave notice that on some future day he should ask leave to bring in a bill to incorporate the St. Clair and Grand River railroad company.

On motion of Mr. Hough the veto message of the executive returning to the senate the bill entitled 'a bill to incorporate the St. Clair and Grand River railroad company,' was taken up, and having been read, was, on motion of Mr. Clarke, ordered to be entered on the journal: being as follows:

*To the senate—*

I received for my approval at your last session, a bill, entitled 'an act to incorporate the St. Clair and Grand River railroad company.' This bill not having received my signature, it is returned to the senate where it originated.

Against the measure itself, as proposed by the bill, I can have no objection to urge. On the contrary, it is a measure connected with the great internal improvements of the state, and I should have derived infinite satisfaction from giving my assent to it, could I have felt justified in so doing by a sense of public duty. The bill however, reaching me, at the last hour previous to your adjournment, no opportunity was afforded for its examination; and embracing as it did, a project of more than usual magnitude, my assent to it, was ne-

cessarily withheld until the examination could be obtained. This consideration, derived additional force from the fact, that the bill, at one time, failed in the house of representatives, and was not finally carried, but with more than ordinary exertions, on the part of its friends. Under such circumstances, I could not be expected to add my approval to an act, the provisions of which, from the limited time offered, could not be tested by that careful scrutiny and investigation, which is demanded from every department of the government.

I may here add, as a general suggestion, that the public welfare might be promoted, should the legislature adopt some rule, under which, no act of incorporation should be presented to the executive on the last day of their session. Such a course if pursued, would secure deliberation in our councils upon acts, requiring the utmost caution, and would prevent the adoption of unnecessary, if not, often, dangerous legislation. Under the present rule, acts of incorporation are suffered to accumulate on the tables of both houses, until the last day of the session, when they are forced through every stage of proceeding, and perhaps at the last moment of the session presented to the executive for his approval. This produces great embarrassment to that officer, and compels him blindly to give his assent to all measures which may come before him, or to withhold it, when it may sometimes prove detrimental to the public. A remedy should be extended to this evil, for no officer under an oath to discharge his duties with fidelity, can fail to feel its embarrassing effects.

There were however, considerations connected with the bill before me, that should furnish insurmountable objections to the passage of like acts of incorporations, under similar circumstances. A grant of corporate powers to private companies for the construction of railroads through the unsettled and unsold lands of the state, struck me as of doubtful policy; the wants of the public could not absolutely demand the measure; and the time was not distant, when the state

could with greater security to the interests of the people, take improvement into its own hands. Neither did it occur to me as politic, that a company incorporated for a specific public object, should be permitted to engage, either directly or indirectly, in the purchase of public lands for purposes of private speculation. The effect would be, if permitted, to retard the settlement of the country, as the actual settler would occupy the land, otherwise monopolized, by the concentrated wealth of an incorporated company.

It has been urged, as a justification of the purchase of lands by the company, that their increased value in contemplation of the construction of the railroad, would aid in the facility of its completion. This argument I cannot recognize as legitimate. I would ask, if it has not at all times been considered, that the usual advantages and profits accruing from charters like the one before me, are sufficiently great to induce the undertaking contemplated by the company incorporated, without the temptation of extraneous gain. If the public require the passage of such a bill as the one I return to you, let it be properly guarded, and let the state then, lend every aid to the completion of the work, intended by those who ask this charter. The public good should be the end in view, not private interests, for the evils we are to experience from the speculation in lands by individuals and private companies, will I fear prove sufficiently onerous to the state, without the encouragement and support of legislative enactments.

By an examination of the details of the bill, it will be perceived, that sixteen years are given for the completion, and three years for the commencement of the railroad by the company. The periods of time here granted, are certainly too long, and cannot be found necessary, if the road, is an improvement demanded by the interests of the public.—No company, should ever receive such an indulgence, as that, which is here proposed.

I would be far from imputing unworthy motives to those who are immediately interested in the passage of this bill;

but it is our duty to legislate with a view to the prevention of an abuse of power, into whatever hands the charter may fall. This charter may be granted, at the suggestion of worthy men, who intend to carry on the proposed work in good faith; but it must not be forgotten, that the stockholders whoever they may be, will direct the affairs of the company, and that a majority of the stockholders, may be non-residents, over whom public opinion here, will exercise but a limited control, in opposition to their interests. Limited to not less than three years for the commencement of the work, we offer a dangerous temptation to those, who might be disposed to abuse the trust confided to them. It is true the company are to commence the road within three years; but the word 'commence,' is an indefinite term. A commencement of the road, may mean a simple breaking of ground;—and as no portion of it is required to be completed within a less period than six years, a dangerous opportunity is here offered for speculations upon the nominal value given to the lands purchased by the company, who may abandon their charter without penalty, at the expiration of this time, and who may not have expended on the contemplated improvement one dollar of their stock subscribed.

These profits from the lands of the company, must be taken from the pockets of the people, who are to be the actual settlers of the country. I would respectfully ask then, if even a direct tax, levied for the construction of the road, would not be more equal and less oppressive, than this tax upon the actual settlers on the line of the contemplated railroad; it would certainly retard less, the immediate settlement of the country. It is useless to say, that an appeal should not be made to our fears, for experience teaches us, that the interests of all incorporated companies, are generally at war with the interests of the people, and that the legislature cannot be too cautious in guarding against the abuse of powers, which when once conferred are not to be recalled.

A bill with proper restrictions, having in view the construc-

tion of the contemplated railroad, might, and should probably be passed by the legislature.—I would therefore suggest, for the greater safety of the public, that the stockholders of the company incorporated, should at the time of subscribing their stock, be required to pay into the treasury of said company a certain per centum of the stock subscribed, and the remainder of their subscription in different annual instalments; which stock so paid in, should be secured by bond, and should insure to the state for the completion of the railroad, in the event of the forfeiture of their charter by the company. Again, I would prohibit the company, either directly or indirectly becoming interested in the purchase of the public lands for purposes of speculation.

I have heretofore suggested, and it is generally acknowledged, that in great works of internal improvement to be constructed by incorporated companies, the state should exercise and maintain a controlling influence over the proceedings of the company incorporated. In the bill returned to you, the state is authorized to subscribe a number of shares to the stock of the railroad, not exceeding three thousand;—but it will be perceived, that the force of this provision is destroyed, by a requirement of the legislature, to increase the shares and stock of said company, if demanded by the stockholders, to the amount of the sum taken by the state.—Thus may the influence of the state, as a stockholder in the company, be at any time neutralized, if the purposes of the private stockholders should require it.

In the present bill, I find no limit to the tariff of tolls which the company are authorized to levy upon transportations on the road; and I would respectfully suggest, if it would not be desirable in all charters of railroad companies, that the state should reserve the right to limit the tolls to a reasonable and liberal per centum on capital invested, at least to such an extent as to prevent at a future day, extortion from the public. Other states have already felt the op-



pression resulting from a want of this power, and I consider the subject worthy of your consideration.

The bill is returned to the senate for such improvements as their wisdom may suggest. I shall consider it my duty to acquiesce in their decision.

STEVENS T. MASON.

July 12, 1836.

The senate, on motion of Mr. Hough, then adjourned to 10 o'clock A. M. to-morrow.

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THURSDAY, July 14, 1836.

The senate met pursuant to adjournment.

Mr. Finch from 2nd district, and Mr. Comstock from the 3d, appeared and took their seats.

In the necessary absence of the president, Mr. Barry president pro tem. not having arrived, Mr. McDonell was called to the chair.

A message was received from the house of representatives through their clerk, transmitting a bill entitled 'a bill to amend an act entitled an act to organize the supreme court and establish circuit courts.'

Mr. Ten Eyck, from the committee on manufactures, to whom had been referred the petition of John B. dale, Wm. R. Thompson, and others, praying for a certain act of incorporation, reported adverse to the prayer of the petitioners; which report, on motion of Mr. Ten Eyck, was laid on the table.

Mr. Hascall from the committee on state affairs, to whom had been referred so much of the governors message as relates to the call of a convention, brought in a bill entitled 'a bill to enable the people of Michigan to elect delegates to a convention,' which after having been read a first time, and by consent of three-fourths a second time, was, on motion of Mr. Hascall, laid on the table and ordered to be printed.

Mr. Ellis submitted the following resolution, which, on motion of Mr. Hough, was laid on the table for one day :

*Resolved*, That the committee on the judiciary be instructed to inquire into and report to this house :

1st. Whether in their opinion the state of Michigan has been admitted into the Union ; and if so, whether power is vested in congress, by virtue of any provision of the constitution of the United States, to enforce the condition imposed upon the people of this state, contained in the act of admission; and whether a failure in the performance of the condition therein mentioned, the people of this state would thereby eject themselves from the Union.

2d. Whether, in their opinion, any law of congress, based upon the principles of *expediency*, can affect the constitution of this state, without the concurrence of the people thereof ; or abridge the rights and principles of such people under it.

3d. Whether, in their opinion, the just rights of the people of this state, do not require, at the hands of the legislature, the passage of a solemn declaratory act, denying the constitutional power of congress to legislate upon the boundaries prescribed in our state constitution, in such manner as to divest the people of any portion of their territorial limits without their consent.

4th. Whether it is competent for the legislature to provide by law, for the call of a convention, having for its object any alteration, direct or indirect, of the constitution, not pointed out by the provisions of the instrument itself; and whether the call of a convention, in any manner not so prescribed, would not be in violation of that constitution, from which the members of this body derive their authority to act; and over which the congress of the United States have no control, after the same has been by them declared to be republican.

Mr. Ten Eyck gave notice that on some future day he would ask leave to bring in a bill, incorporating a company for the constructing of a turnpike road, from the city of Detroit to Ypsilanti.

Mr. Ellis, from the committee on enrolment, reported as

correctly engrossed the bill which passed the senate, entitled 'a bill to authorize the treasurer of the state to pay certain military scrip.'

On motion of Mr. Rumsey,

The vote on the adoption of a resolution adopted yesterday, giving certain instructions to the committee on internal improvement, was reconsidered; and the question recurring on the adoption of the resolution, Mr. Rumsey moved to amend by substituting the committee on roads and bridges, which was agreed to; and the resolution as amended was then adopted.

Mr. Britain gave notice that on some future day he would ask leave to bring in a bill to incorporate the Brest and Grand river railroad company.

Mr. Hascall gave notice that on some future day he would ask leave to bring in a bill to incorporate the stockholders of the bank of Saginaw, at Saginaw.

Mr. Britain gave notice that on some future day he would ask leave to introduce a bill to incorporate the bank of New Buffalo.

A message was received from the Executive, through the secretary of state, as follows :

*To the Senate:*

At the last session of the legislature, an act was passed, reviving, and authorizing the executive, to confirm the seat of justice of the county of Van Buren as located by commissioners in the year eighteen hundred and thirty-three. Previous however, to the passage of this law, commissioners had been appointed to locate the seat of justice of said county, under, the general act providing for the location of seats of justice, and had entered upon the duties of their offices. The result of their labors has been the location of the seat of justice of the said county, at a point different from the location of the year eighteen hundred and thirty-three ; in consequence of which, I am compelled, to refer the reports in both cases to

the legislature, with a recommendation that the question be determined by law.

I avail myself of the opportunity now offered, to transmit to both houses, the copy of an act of congress, approved May 26, 1824, by which the pre-emption right to one quarter section of land, is secured to each of the counties in the states and territories of the United States for county purposes. I would suggest the propriety of dividing the state into counties in order to receive as far as practicable the benefits of this act; and to authorize by law the proper authorities of each county of the state to carry its provisions into effect.

STEVENS T. MASON.

July 13, 1836.'

The message and documents having been read, the act of congress accompanying the message, was, on motion of Mr. Comstock, referred to the committee on state affairs.

The documents relating to the location of the county seat of Van Buren county were then, on motion of Mr. Comstock, referred to a select committee of three: and Messrs. Comstock, Ellis and Moody, were appointed the committee.

The bill from the house of representatives, entitled 'a bill to amend an act entitled an act to organize the supreme court and to establish circuit courts,' having been read a first time, and by consent of three-fourths a second time, was, on motion of Mr. Ellis, committed to the committee on the judiciary.

The senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill entitled 'an ordinance relative to certain propositions made by the congress of the United States;' and after some time spent thereon, the committee rose, and through their chairman, reported the bill back to the senate with an amendment, in which they asked the concurrence of the senate.

And the senate, thereupon concurred in said amendment.

The bill, on motion of Mr. Hough, was further amended by

inserting section 4, line 1, before 'recited' the word 'above;' on motion of Mr. Ellis, by inserting section 1, line 2, after 'state' the words 'by virtue of the authority conferred upon them:' and on motion of Mr. Davis, by striking out section 1, line 3, the words 'all of.'

Mr. Stockton moved to commit the bill to the committee on the judiciary; Mr. Comstock moved to lay the bill on the table, which was lost; and the bill was committed to the committee on the judiciary.

Mr. Moody, from the committee on the judiciary, to whom had been referred the bill from the house of representatives, entitled 'a bill to amend an act entitled an act to organize the supreme court and establish circuit courts,' reported the same back to the senate with an amendment, in which they asked the concurrence of the senate.

And the senate concurred in said amendment, being as follows: to strike out line 7, section 1, the words 'hereinafter mentioned,' and insert 'specified in the act to which this act is amendatory.'

The amendment, on motion of Mr. Stockton, was ordered to be engrossed, and the bill to be read a third time to day.

The bill having been read a third time, was, on motion of Mr. Hascall, recommitted to the committee on the judiciary.

Mr. Stockton gave notice that on a future day he would ask leave to bring in a bill to authorize Horace Stevens and others to erect a dam across the Clinton river.

On motion of Mr. Rumsey,

*Resolved*, That the committee on roads and bridges be instructed to inquire into the propriety of making an appropriation to bridge the Huron river, where the state road, leading from Ann Arbor to Livingston county seat, crosses the same.

Mr. Davis submitted the following resolution:

*Resolved*, (If the house of representatives concur herein,)

That the legislature adjourn on Saturday the 16th instant, sine die.

The resolution was adopted, by yeas and nays, as follows:

Yeas—Messrs. Britain, Comstock, Davis, Ellis, Finch, Hascall, Moody, Raynale, Rumsey, Stockton, Ten Eyck—11.

Nays—Messrs. Clarke, Hough, McDonell—3.

Mr. Comstock moved that the senate take a recess of two hours: Mr. Ellis moved that the senate adjourn, which motion prevailed.

And the senate adjourned.

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FRIDAY, July 15, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent: Mr. Durocher; absent on leave, Mr. Barry.

Mr. Davis presented a petition of inhabitants of Ingham, praying for a revision of the location of the county seat of Ingham county; referred to a select committee of three, consisting of Messrs. Davis, Comstock and Moody.

The senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled 'a bill empowering the treasurer of the state to receive from the secretary of the treasury of the United States, deposits of public money;' and after some time spent thereon, the committee rose, and through their chairman reported the same back to the senate with an amendment, in which they asked the concurrence of the senate.

And the senate thereupon concurred in said amendment; and the bill, on motion of Mr. Hough, was then ordered to be engrossed and read a third time to day.

Mr. Britain, from the committee on the judiciary, to whom had been recommitted the bill from the house of representatives, entitled 'a bill to amend an act entitled an act to organize the supreme court and establish circuit courts,' re-

ported the same back to the senate without further amendment; which report was accepted, and the bill and amendment having been read, then passed the senate.

Mr. Moody, from the committee on enrolment, reported as correctly engrossed, the resolution which had passed the senate, relative to an adjournment of the legislature.

Mr. Britain, from the committee on the judiciary, to whom had been committed the bill entitled 'an ordinance relative to certain propositions made by the congress of the United States,' reported the same back to the senate with an amendment, which having been read, was, on motion of Mr. Stockton, laid on the table and ordered to be printed.

Mr. Hascall, from the committee on elections, who had been instructed to inquire into the propriety of the passage of an act at this session for the election of a representative to congress, brought in a bill entitled 'a bill to provide for the election of a representative to the congress of the United States;' which was read a first time, and, by consent of three fourths, a second time, and laid on the table.

Mr. Hascall, by unanimous consent, brought in a bill entitled 'a bill to amend the fourth section of an act entitled 'an act to authorize the sale of certain lands,' approved March 7, 1834;' which having been read a first time, and, by consent of three-fourths, a second time, was, on motion of Mr. Hascall, ordered to be engrossed for third reading, by yeas and nays, as follows:

Yeas—Messrs. Britain, Clarke, Ellis, Hascall, McDonell, Moody, Raynale, Rumsey, Stockton—9.

Nays—Messrs. Comstock, Finch, Hough, Ten Eyck—4.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed the amendment to the bill from the house of representatives, entitled 'a bill to amend an act entitled an act to organize the supreme court and to establish circuit courts.'

The senate, on motion of Mr. Hascall, then resolved itself into committee of the whole, Mr. Rumsey in the chair, on

the bill entitled 'a bill to enable the people of Michigan to elect delegates to a convention;' and after some time spent thereon, the committee rose, reported progress, and asked leave to sit again.

While the question was pending, the senate, on motion of Mr. Britain, adjourned to 3 o'clock, P.M.

AFTERNOON SESSION.

Three o'clock P. M.

The senate met pursuant to adjournment.

The unfinished business of the forenoon having been taken up: the question being on granting leave to the committee of the whole to sit again, leave was granted.

A message was received from the house of representatives returning to the senate the bill entitled 'a bill to authorize the treasurer of the state to pay certain military scrip,' with sundry amendments; and transmitting a bill entitled 'a bill to alter the name of the township of Pitt.'

The senate thereupon concurred in the amendments made by the house of representatives to the above bill.

The bill from the house of representatives, entitled 'a bill to alter the name of the township of Pitt,' having been read a first time, Mr. Hough moved to lay the bill on the table, which was decided in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Britain, Clarke, Davis, Finch, Hough, McDonell, Moody, Raynale, Ten Eyck—9.

Nays—Messrs. Comstock, Hascall, Rumsey, Stockton—4.

The engrossed bill, entitled 'a bill to amend the 4th section of an act entitled an act to authorize the sale of certain lands, approved March 7, 1834,' having been read a third time; and the question being on the passage of the bill, was decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Clarke, Hascall, McDonell, Raynale, Rumsey, Stockton—6.

Nays—Messrs. Britain, Comstock, Davis, Finch, Hough, Moody, Ten Eyck—7.



The senate, on motion of Mr. Comstock, then again resolved itself into committee of the whole, Mr. Rumsey in the chair, on the bill entitled 'a bill to enable the people of Michigan to elect delegates to a convention;' and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the senate as amended, and asked to be discharged from the further consideration of the subject, which was agreed to.

Mr. Stockton moved to commit the bill as amended to a select committee of five.

Mr. Britain moved to amend said motion by adding—

'With instructions to report a bill providing as far as practicable for the election of delegates by counties, giving to each five thousand inhabitants a delegate as near as may be;' which amendment was lost by yeas and nays, as follows:

Yeas—Messrs. Britain, Hascall, Raynale, Stockton—4.

Nays—Messrs. Clark, Comstock, Davis, Ellis, Finch, Hough, McDonell, Moody, Rumsey, Ten Eyck—10.

The motion to commit to a select committee was then decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Clarke, Comstock, Ellis, McDonell, Stockton—5.

Nays—Messrs. Britain, Davis, Finch, Hascall, Hough, Moody, Raynale, Rumsey, Ten Eyck—9.

Mr. Hough submitted the following as a substitute for the bill :

'A bill to provide for calling a convention of delegates of the people of the state of Michigan.

Whereas, by an act of congress, approved June 15, 1836, entitled 'an act to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the Union upon the conditions therein expressed,' it is in section third declared—'That, as a compliance with the fundamental condition of admission contained in the last preceeding section of this act, the boundaries of the said

state of Michigan, as in that section described, declared, and established, shall receive the assent of a convention of delegates elected by the people of said state, for the sole purpose of giving the assent herein required.' Therefore,

Sec. 1. *Be it enacted by the senate and house of representatives of the state of Michigan*, That on the first Monday of November next and the succeeding day, there shall be elected, by the qualified electors of this state, five individuals to constitute said convention; one of whom shall be an inhabitant of each of the five senatorial districts of this state.

Sec. 2. Said election shall be conducted, and the result certified in the same manner, as is provided for in the act entitled 'an act to provide for and regulate the election of electors of president and vice-president,' approved March, 1836.

Sec. 3. Said convention shall meet at the capitol in the city of Detroit, on the                      day of November next, and then and there proceed to assent or non-assent to the boundaries set forth in said act of congress, and shall cause to be transmitted to the president of the United States, as early as may be, a certified copy of the result of said assent or non-assent.

Sec. 4. Said delegates shall receive for their compensation                      dollars per day, for their attendance on said convention; and                      dollars for every twenty miles travel in going to and returning from the place of meeting of said convention, to be audited by the auditor general upon the certificate of the secretary of state, and paid out of any money in the treasury not otherwise appropriated.'

The adoption of the above substitute was decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Davis, Hough, McDonell, Moody, Raynale—5.

Nays—Messrs. Britain, Clark, Comstock, Ellis, Finch, Hascall, Rumsey, Stockton, Ten Eyck—9.

Mr. Ellis thereupon submitted the following as a substitute for said bill:

'Whereas the congress of the United States, by an act, entitled 'an act to establish the boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the union upon the conditions therein expressed,' approved 15th June, 1836, have enacted and declared 'That the constitution and state government which the people of Michigan have formed for themselves, be, and the same is hereby accepted, ratified and confirmed ; and that the said state of Michigan shall be, and is hereby, declared to be one of the United States of America, and is hereby admitted into the union upon an equal footing with the original states, in all respects whatsoever,' and have annexed as one of the conditions of that admission, that certain boundaries in said act described, and at variance with our state constitution, shall receive the assent of a convention of delegates, elected by the people of said state for the sole purpose of giving the assent therein required ; and whereas this legislature have no power to call conventions, having for their object any alteration or amendment of the constitution under which they have been elected, in any mode or manner not prescribed in that instrument itself. Therefore,

*Be it ordained and declared by the legislature of the state of Michigan,* That in pursuance of the 2nd section of the 13th article of the constitution of this state, it is hereby recommended to the people of the state of Michigan, to convene in their primary assemblies, in their respective townships, on the first Monday of November next, and on the following day, to vote for or against a convention.

Sec. 2. The people of said state, (meaning and intending all free male persons above the age of twenty-one years) when convened in pursuance of the preceeding section, shall be authorized to vote by ballot for or against a convention. On such of the ballots as are for a convention, shall be written or printed the word 'yes;' and on those which are against a convention, shall be written or printed the word 'no.'

Sec. 3. The returns of the votes herein authorized to be

given, and the mannner of conducting said election, shall be the same as is directed by the law of the late territorial government, providing for the election of a delegate to congress, with the exceptions hereinafter mentioned.

Sec. 4. The returns of the votes herein authorized to be given, shall be sealed up and transmitted without delay to the seat of government by the returning officers, directed to the secretary of state, who shall communicate the same to the speaker of the house of representatives on the first day of the next succeeding annual or special session of the legislature, or as soon thereafter as may be; and the said speaker shall open and publish the same in the presence of the members of both houses.

Mr. Rumsey moved to commit the bill and substitute to the committee on the judiciary.

Mr. Clarke moved to commit to the committee of the whole, and that they be made the order of the day for tomorrow, which was lost; and the motion to commit to the committee on the judiciary thereupon prevailed.

And the senate then adjourned.

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SATURDAY, July 16, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent: Mr. Durocher: absent on leave, Mr. Barry.

The engrossed bill entitled 'a bill empowering the treasurer of the state to receive from the secretary of the treasury of the United States, deposits of public money,' having been read a third time, was passed.

The senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. Stockton in the chair, on the bill entitled 'a bill to provide for the election of a representative to the congress of the United States;' and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the senate.

And the bill, on motion of Mr. Hough, was recommitted to the committee on elections.

Mr. Comstock, from the select committee, to whom had been referred certain documents relating to the county seat of Van Buren county, made a report concluding with a resolution, confirming the location of 1833, and moved the adoption of the resolution; Mr. Ellis moved to add after 'resolved' the words 'by the senate and house of representatives of the state of Michigan,' which was accepted by the mover, and the question being on the adoption of the resolution, the report and resolution, on motion of Mr. Hough, were laid on the table, by yeas and nays as follows:

Yeas—Messrs. Britain, Finch, Hough, McDonell, Raynale, Rumsey and Ten Eyck—7.

Nays—Messrs. Clarke, Comstock, Davis, Ellis, Hascall, and Moody—8.

Mr. Clarke, in pursuance of previous notice, asked leave to bring in a bill to incorporate the Huron and Grand River railroad company, which was agreed to by yeas and nays as follows:

Yeas—Messrs. Britain, Clarke, Ellis, Hascall, Hough, Raynale, Rumsey—7.

Nays—Messrs. Davis, Finch, Hough, Ten Eyck—4.

And Messrs. Clarke, Hascall and Hough were appointed a committee to bring in said bill.

Mr. Britain, in pursuance of previous notice, asked leave to bring in a bill to incorporate the Brest and Grand River railroad company, which was granted by yeas and nays as follows:

Yes—Messrs. Britain, Clarke, Davis, Hascall, McDonell, Raynale, Rumsey—7.

Nays—Messrs. Comstock, Ellis, Finch, Hough, Ten Eyck—5.

And Messrs. Britain, Raynale and Ten Eyck were appointed the committee to bring in said bill.

Mr. Clarke, from the select committee appointed for that

purpose, brought in a bill entitled 'a bill to incorporate the Huron and Grand River railroad company;' read a first time and laid on the table.

Mr. Britain, from the judiciary committee, to whom had been committed the bill entitled 'a bill to enable the people of Michigan to elect delegates to a convention,' reported the same back to the senate with sundry amendments.

On motion of Mr. Moody,

*Resolved*, That the committee on finance be instructed to report a bill to authorize some person to receive the five per cent. on the sale of the public lands, in pursuance of the fifth proposition contained in an act of congress entitled 'an act supplementary to' an act entitled 'an act to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the Union on certain conditions.'

A message was received from the house of representatives transmitting a bill entitled 'a bill to authorize the town council of the town of Ypsilanti, to raise by tax a sum of money for certain purposes.'

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed the bill entitled 'a bill empowering the treasurer of the state to receive from the secretary of the United States deposits of public money.'

Mr. Comstock submitted the following resolution:

*Resolved*, That the committee on state affairs be instructed to inquire into the expediency of adopting such measures as will enable the state to assume and complete all the internal improvements within the state.

Mr. Hough moved to lay the resolution on the table, which was lost; and the resolution was thereupon adopted.

Mr. Davis, from the committee on roads and bridges, to whom had been referred certain resolutions of inquiry as to the propriety of making appropriations for bridging the St. Joseph river at St. Joseph, and the Huron river on the state road from Ann Arbor to Livingston county seat, reported ad-

verse to making appropriations at this session for local purposes; and moved that the committee be discharged from the further consideration of the subject; which report was accepted, and the committee so discharged.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, the bill entitled 'an act to amend an act entitled 'an act to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan and for other purposes.'

Mr. Comstock gave notice that on some future day he would ask leave to bring in a bill to incorporate a bank at the Grand river falls, in the county of Kent:

Also to bring in a bill to establish a state road leading from Kalamazoo county seat, to the mouth of the Maple river, through the county seat of Barry.

Mr. Davis gave notice that he should at some future day ask leave to bring in a bill to incorporate the Detroit and Maple river railroad company, with banking privileges.

And the senate, on motion of Mr. Hough, adjourned to 3 o'clock, P. M.

#### AFTERNOON SESSION.

Three o'clock, P. M.

The senate met pursuant to adjournment.

The amendment reported by the judiciary committee to the bill entitled 'a bill to enable the people of Michigan to elect delegates to a convention,' having been taken up, the senate concurred in said amendment, being to strike out 'senatorial districts' and insert 'counties' &c.

The senate on motion of Mr. Hough, thereupon resolved itself into committee of the whole, Mr. Clarke in the chair, on the above bill, together with the bill entitled 'an ordinance relative to certain propositions made by the congress of the United States;' and after some time spent thereon, the committee rose, and through their chairman reported the bills back to the senate with sundry amendments, in which they asked the concurrence of the senate.

The senate thereupon concurred in the several amendments to the above bills.

On motion of Mr. Hough, the bill entitled 'an ordinance relative to certain propositions made by the congress of the United States,' was ordered to be engrossed and read a third time on Monday next.

Mr. Ellis submitted the following as an additional section to the bill entitled 'a bill to enable the people of Michigan to elect delegates to a convention.'

Section 5. The inspectors of election in the several townships are hereby authorized and required to open a poll for receiving the votes of electors, for and against the change of boundaries, proposed by the act for the admission of this state into the Union, by yeas and nays. The returns to be forwarded to the secretary of state, who shall communicate the same to the convention, on the first day on which it shall assemble.

The question on the adoption of the above amendment, being taken by yeas and nays, was decided in the negative, as follows :

Yeas—Messrs. Clarke, Ellis, 2.

Nays—Messrs. Britain, Comstock, Davis, Finch, Hascall, Hough, M'Donell, Moody, Rumsey, 9.

Mr. Hascall offered an amendment as an additional section; which, together with the bill, was, on motion of Mr. Hascall, laid on the table, and made the special order of the day for Monday next, by yeas and nays as follows :

Yeas—Messrs. Britain, Clarke, Comstock, Ellis, Hascall, M'Donell Moody, Rumsey—8

Nays—Messrs. Davis, Finch, Hough—3

Mr. Ellis, from the committee on elections, to whom had been committed the bill entitled 'a bill to provide for the election of a representative to the congress of the U. States,' reported the same back with amendments, in which they asked the concurrence of the senate, and the senate concurred in



said amendments ; and the bill as amended, was, on motion of Mr. Hough, laid on the table, and ordered to be printed.

On motion of Mr. Davis,

*Resolved*, That the members of the legislature of the state of Michigan do wear crape upon the left arm for thirty days, in token of their respect to the memory of the late James Madison, ex-President of the U. S.

And the senate adjourned.

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MONDAY, July 18, 1836.

The senate met pursuant to adjournment.

Mr. Barry, from the third district, appeared and took his seat; and in the absence of the president, took the chair as president pro. tem. of the senate.

The roll being called, the following member was absent: Mr. Durocher.

Mr. Britain from the select committee appointed for that purpose, brought in a bill entitled 'a bill to incorporate the Brest and Grand river railroad company;' read a first time and laid on the table.

Mr. Davis, from the select committee to whom was referred a petition from the inhabitants of Ingham county, praying for an act to be passed vacating the county seat of said county and appointing commissioners to re-locate the county seat of said county, reported, that the law passed at the last session of the legislature requiring three weeks notice to be given for applications of any act to be passed, has not been complied with; in consequence of which, the committee beg leave to be discharged from the further consideration of the petition.

Said report was accepted, and the committee discharged.

The enrolled bill entitled 'an act to amend an act entitled an act to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan,

and for other purposes,' was this day presented to the governor for his signature.

Mr. Ellis gave notice that he should on some future day ask leave to bring in a bill to amend an act entitled 'an act concerning costs and fees,' approved April 23, 1833.

Mr. Rumsey gave notice, that on some future day he should ask leave to bring in a bill to incorporate the stockholders of a railroad company to extend to the Monroe and Ann Arbor railroad through Dexter, Ingham county seat, to the mouth of Maple river.

Mr. Stockton, in pursuance of previous notice, asked leave to bring in a bill to authorize Horace Stevens and others to build a dam across the Clinton river; which leave was granted, the question being decided in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Clarke, Moody, Raynale, Rumsey, Stockton, Ten Eyck, President pro tem.—7.

Nays—Messrs. Britain, Davis, Ellis, Finch, Hough, McDonell—6.

Mr. Britain gave notice that he should, on some future day, ask leave to bring in a bill to bridge the St. Joseph river in Berrien and St. Joseph counties, and the Kalamazoo in Calhoun county.

The engrossed bill, entitled 'an ordinance relative to certain propositions made by the congress of the United States,' having been read a third time, and the title, on motion of Mr. Hough, having been amended by adding thereto, 'to the legislature of the state of Michigan,' thereupon passed the senate.

Mr. Ellis, from the committee on enrolment, reported the above bill as correctly engrossed.

The senate then resolved itself into committee of the whole, Mr. Clarke in the chair, on the bill entitled 'a bill to enable the people of Michigan to elect delegates to a convention ;' and after some time spent thereon, the committee rose, reported progress, and asked and obtained leave to sit again.

The president announced a message from the Executive, on executive business; also, two messages relative to certain acts therein named, as follows :

*'To the senate:*

I have this day approved and filed in the office of the secretary of state, an act entitled "an act to amend an act entitled 'an act to organize the supreme court and establish circuit courts.'"

STEVENS T. MASON.

July 16, 1836.'

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state, an act entitled "an act to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan, and for other purposes."

STEVENS T. MASON.

July 18, 1836.'

The senate, on motion of Mr. Hascall, then went into the consideration of executive business.

When the doors were opened,

Mr. Britain moved that the committee of the whole be discharged from the further consideration of the bill entitled 'a bill to enable the people of Michigan to elect delegates to a convention,' and that the same be referred to a select committee of five, with instructions to report a bill to authorize the people of Michigan to signify their assent or non-assent to the alteration of boundaries as made by the first section of an act of congress, approved June 15, 1836, and at the same time to provide for the election of delegates for the sole purpose of yielding the compulsory assent required by the third section of said act.

While the question was pending, Mr. Clarke moved to adjourn, which was lost.

A message from the house of representatives was received through their clerk, transmitting a resolution entitled 'a reso-

lution for appointing commissioners for certain purposes therein named.'

And the senate, on motion of Mr. Clarke, then adjourned.

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TUESDAY, July 19, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent: Messrs. Durocher, Finch, Stockton.

On motion of Mr. Clarke, leave of absence was granted to Mr. Stockton for two days.

Mr. Hascall presented two petitions from inhabitants of Genesee county, praying for the incorporation of a bank, and moved that they be referred to the committee on incorporations; Mr. Ellis moved to lay the petitions on the table, which motion did not prevail; and the question recurring on the motion to commit to the committee on incorporations, was decided in the affirmative.

Mr. Hascall, from the committee on state affairs, to whom had been referred an act of congress relative to the pre-emption right of counties to a quarter section of land, reported adverse to the propriety of acting on the subject at this session; and moved that the committee on state affairs be discharged from the further consideration of the subject, and that the same be referred to the committee on the judiciary; which motion prevailed, and the act was so referred.

Mr. McDonell, from the committee on finance, in pursuance of previous instructions, brought in a bill entitled 'a bill to authorize the treasurer of the state to receive from the secretary of the treasury of the United States, moneys appropriated for making roads and canals within the state;' which was read a first time, and by consent of three-fourths a second time, and laid on the table, and ordered to be printed.

Mr. Hough, from the committee on incorporations, to whom had been referred the petition of R. B. Perry and others, of Genesee county for the incorporation of a bank in said county, reported that the committee had no knowledge that the

proper legal notice had been given, and against action on the subject at this session, and moved that the committee be discharged from the further consideration of the subject, and that the petitioners have leave to withdraw their petitions; which report was accepted, and leave to withdraw the petitions granted.

Mr. Britain, from the committee on the judiciary, who had been instructed to inquire into the propriety of the passage of a law at this session to provide for special elections for certain township and county officers in townships and counties where elections for such officers had not been held, brought in a bill entitled 'a bill to provide for the election of township and county officers in certain cases;' which he read a first time, and by consent of three-fourths a second time, was laid on the table, and ordered to be printed.

The president announced a communication from the Hon. Laurent Durocher, tendering his resignation as a member of the senate.

On motion of Mr. Barry, the communication was ordered to be entered on the journal; being as follows:

' Monroe, July 9, 1836.

The honorable

The President of the senate of the  
State of Michigan.

Dear Sir:—

This, my resignation as a member of the senate, please accept.

The sickness in my family, together with other reasons compels me to tender you this my resignation.

With sentiments of the highest respect to you, sir, and to all the members of the senate.

I am your very humble  
and obedient servant,

LAURENT DUROCHER.'

Mr. Barry gave notice that on some future day he should ask leave to bring in a bill to regulate dower.

Mr. Ellis, in pursuance of previous notice, asked and obtained leave to bring in a bill to amend an act concerning costs and fees; and Messrs. Ellis, McDonell and Britain were appointed a committee to bring in said bill.

Mr. Ellis, from said committee, brought in a bill entitled 'a bill to amend an act entitled an act concerning costs and fees, approved April 23d, 1833;' which having been read a first time, and by consent of three-fourths a second time, was laid on the table and ordered to be printed.

The unfinished business of yesterday having been taken up, and the question being on discharging the committee of the whole from the further consideration of the bill entitled 'a bill to enable the people of Michigan to elect delegates to a convention,' was declared lost.

And the senate, on motion of Mr. Ellis, then again resolved itself into committee of the whole, Mr. Clarke in the chair, on said bill; and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

Mr. Comstock gave notice that he would ask leave on a future day to bring in a bill to authorize the directors of the Detroit and St. Joseph railroad company to use and occupy such parts of the Chicago road with their tracks as they may find necessary for the completion of the same.

And the senate, on motion of Mr. Hough, adjourned to 3 o'clock, P. M.

#### AFTERNOON SESSION.

Three o'clock, P. M.

The senate met, pursuant to adjournment.

The president announced a message from the house of representatives, received through their clerk, transmitting two bills entitled 'a bill to provide for holding elections,' and 'a bill to authorize the judges of probate to grant license to sell real estate of minors and others.'

The bill entitled 'a bill to provide for holding elections' having been read a first time, and by consent of three-fourths a

second time, was, on motion of Mr. Comstock, committed to the committee on elections.

The other bill from the house of representatives entitled 'a bill to authorize the judges of probate to grant license to sell the real estate of minors and others,' having been read a first time, and by consent of three-fourths a second time, was, on motion of Mr. Comstock, committed to the committee on the judiciary.

The senate then again resolved into a committee of the whole, Mr. Clark in the chair, on the bill entitled 'a bill to enable the people of Michigan to elect delegates to a convention'—and after some debate thereon, the committee rose, and through their chairman reported the same back to the senate with amendments, in which they asked the concurrence of the senate.

And the senate thereupon concurred in the several amendments made in committee of the whole; the words 'at the court-house' being on motion of Mr. Barry, inserted before the word 'in,' in section third.

Mr. Barry moved to amend in section 1, by striking out line 1, the word 'enacted' and inserting 'recommended:' which was decided in the negative by yeas and nays as follows:

Yeas—Messrs. Barry, Ellis, Finch—3.

Nays—Messrs. Britain, Clarke, Comstock, Davis, Hough, M'Donell, Moody—7

Mr. Barry moved to amend by adding the following as an additional section.

'That every elector shall have written or printed on some part of his ticket besides the name or names of persons voted for as delegates the word 'yes' or the word 'nay;' those who are in favor of assenting to the boundaries as described in the said act of congress shall have the word 'yea' written or printed thereon; those who are opposed to assenting to the boundaries as described in said act of congress shall have the word 'nay' written or printed thereon. The result of the yeas

and nays so taken as aforesaid in each and every county, shall be certified and transmitted to the board of state canvassers in the same manner as heretofore provided for the election of governor; and it shall be the duty of said board of state canvassers to examine said returns, and make out two copies containing a correct statement of the yeas and nays contained therein; one copy whereof shall on or before the 5th day of September next, be filed in the office of the governor; and the other copy, on or before the said 5th day of September next, to be sent to the president of said convention, by him to be laid before said body.

The question on the adoption of said amendment was decided in the negative, by yeas and nays as follows:

Yeas—Messrs. Barry Ellis—2.

Nays—Messrs. Britain, Clarke, Comstock, Davis, Finch, Hough, McDonell, Moody—8.

The bill on motion of Mr. Hough, was ordered to be engrossed, and read a third time to-morrow.

And the senate adjourned.

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WEDNESDAY, July 20, 1836.

The senate met pursuant to adjournment.

The roll being called, the following members were absent, Mr. Rumsey; absent on leave, Mr. Stockton.

On motion of Mr. McDonell, leave of absence was granted to Mr. Rumsey for three days.

Mr. McDonell from the committee on finance, brought in a bill entitled 'a bill to authorize the governor to locate certain lands, and to select certain salt springs in this state;' which having been read a first time, and by consent of three-fourths a second time, was laid on the table and ordered to be printed.

The engrossed bill entitled 'a bill to enable the people of Michigan to elect delegates to a convention,' having been read a third time, Mr. Ellis moved to lay the bill on the ta-



ble, which motion did not prevail: Mr. Ellis moved to strike out section 1, line 1, the word '23d,' which motion being seconded by a majority, prevailed; Mr. Hough moved to fill the blank with '15th,' which being seconded by a majority, the blank was so filled.

The bill then passed the senate; and the title, on motion of Mr. Britain, was amended so as to read 'a bill to provide for the election of delegates to a convention.'

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the bill entitled 'a bill to provide for the election of delegates to a convention.'

The senate, on motion of Mr. Ellis, then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill entitled 'a bill to provide for the election of a representative to the congress of the United States, and for other purposes;' and after some time spent thereon, the committee rose, and through their chairman reported the same back to the senate.

The bill, on motion of Mr. McDoneil, was laid on the table.

The senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. Comstock in the chair, on the bill entitled 'a bill to provide for the election of township and county officers in certain cases;' and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked leave to sit again, which leave was not granted; and the bill, on motion of Mr. Comstock, was committed to the committee on the judiciary.

Mr. Davis submitted the following resolution:

*Resolved*, That (if the house concur herein) the legislature adjourn to-morrow sine die.

Mr. Barry moved to lay the resolution on the table; before the question was taken,

The senate, on motion of Mr. Hough, adjourned.

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THURSDAY, July 21, 1836.

The senate met pursuant to adjournment.

The roll being called the following members were absent: Messrs. Clark, Stockton; absent on leave, Mr. Rumsey.

Mr. Ellis, from the committee on elections, to whom had been committed the bill from the house of representatives entitled 'a bill to provide for holding elections,' reported the same back with an amendment, in which they asked the concurrence of the senate.

And the senate, thereupon, concurred in said amendment, and the bill was then, on motion of Mr. Hough committed to committee of the whole.

Mr. Barry, from the committee on the judiciary, to whom had been committed an act of congress, relative to pre-emption right of each county or parish in any of the states or territories of the United States to a quarter section of public lands, brought in a bill entitled 'a bill to enable the several counties of this state to locate by pre-emption certain public lands;' which having been read the first time, and by consent of three-fourths a second time, was committed to committee of the whole.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill entitled 'a bill to provide for the election of township and county officers in certain cases,' reported the same back with sundry amendments, in which they asked the concurrence of the senate.

And the senate concurred in said amendments.

Mr. McDonell submitted the following as an additional section to the bill: 'Sec. That all the elections hereafter to be holden in any county, township, city or village of this state for the election of public officers, every person residing in such county, township, city or village, qualified to vote in accordance with the second article of the constitution of this state, shall be entitled to vote at such election.'

Said proposed amendment, was on motion of Mr. Britain, amended by adding thereto as follows: "and any person who

shall swear falsely relative to his own residence, when offering his vote, or the residence of any other person offering his vote at any election of officers authorized by the constitution of the state, shall be deemed to have committed perjury, and be liable accordingly.'

Mr. Comstock moved to amend further by striking out the word 'public' and inserting 'state county or township;' which motion was decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Barry, Comstock, Ellis,—3.

Nays—Messrs. Britain, Finch, Hascall, Hough, McDonell, Moody, Raynale, Ten Eyck,—8.

Mr. Barry moved to strike out the words 'city or village,' which motion was lost, by yeas and nays as follows:

Yeas—Messrs. Barry, Comstock, Ellis,—3.

Nays—Messrs. Britain, Finch, Hascall, Hough, McDonell, Moody, Raynale, Ten Eyck—8.

Mr. Ellis moved to strike out so much of the amendment as was originally offered, which motion did not prevail.

A division of the question on the adoption of the amendment, being called for, the question on the adoption of the first part of the amendment, was decided in the affirmative by yeas and nays as follows:

Yeas—Messrs. Finch, Hascall, Hough, McDonell, Moody, Raynale, Ten Eyck—7.

Nays—Messrs. Barry, Britain, Comstock, Ellis,—4.

The question being taken on the second part of the amendment, prevailed; and the amendment as amended was declared adopted.

Mr. Hascall moved to amend the bill by adding an additional section as follows:

'Sec. The acts of all officers, the election of whom is provided for in the act referred to in the 1st section of this act, who were not elected under the provisions of the same, are hereby declared void and of no effect:'

Which amendment was adopted by yeas and nays, as follows:

Yeas—Messrs. Finch, Hascall, Hough, McDonell, Moody, Ten Eyck,—6.

Nays—Messrs. Britain, Comstock, Ellis, Raynale,—4.

And the bill, on motion of Mr. Hough, was ordered to be engrossed and read a third time to-morrow, the question being decided in the affirmative by yeas and nays as follows:

Yeas—Messrs. Britain, Finch, Hascall, Hough, McDonell, Moody, Raynale, Ten Eyck—8.

Nays—Messrs. Barry, Comstock, Ellis—3.

On motion of Mr. Barry,

*Ordered*, That the injunction of secrecy be taken from the executive journal of this session up to the present date.

A message was received from the house of representatives through their clerk returning to the senate the following bills:

‘A bill to provide for the election of delegates to a convention,’ with sundry amendments;

‘A bill empowering the treasurer of the state to receive from the secretary of the treasury of the United States deposits of public money,’ without amendment;

‘An ordinance relative to certain propositions made by the congress of the United States, to the legislature of the state of Michigan,’ with sundry amendments; and transmitting to the senate for their concurrence, bills which had passed the house of representatives entitled,

‘A bill to define the duties of superintendent of public instruction and for other purposes;’

‘A bill to enable Francis Cousino to execute a deed;’

‘A bill to enable the trustees of the first presbyterian society of Calhoun county to sell and convey real estate;’

‘A bill to authorize the administrator of the estate of J. S. Odell, late of St. Joseph county, deceased, to convey by deed the title of certain lands to Benjamin Carr;’

A bill to amend an act entitled an act to regulate highways, Approved April 17th, 1833;’

'A bill to appoint commissioners to lay out a state road from Ypsilanti to Adrian.'

The senate thereupon concurred in the three first amendments made by the house of representatives, to the bill entitled 'a bill to provide for the election of delegates to a convention;' the third of said amendments having been, on motion of Mr. Barry, amended by striking out 'first Monday of October,' and inserting 'fourth Monday of September;' and the bill, on motion of Mr. Barry, was thereupon laid on the table.

On motion of Mr. McDonell,

The bill entitled 'a bill to authorize the treasurer of the state to receive from the secretary of the treasury of the United States moneys appropriated for making roads and canals within the state;' and the bill entitled 'a bill to authorize the governor to locate certain lands, and to select certain salt springs within the state;' were committed to committee of the whole.

On motion of Mr. Hough,

Leave of absence was granted to Mr. Clark for one day.

And the senate on motion of Mr. Barry, adjourned to 3 o'clock, P. M.

#### AFTERNOON SESSION.

Three o'clock, P. M.

The senate met pursuant to adjournment.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, the bill entitled 'an act empowering the treasurer of the state to receive from the secretary of the treasury of the United States, deposits of public money;' which bill was thereafter presented to the governor for his signature.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill from the house of representatives entitled 'a bill to authorize the judges of probate to grant license to sell the real estate of minors and others,' reported

the same back to the senate with sundry amendments, in which they asked the concurrence of the senate.

And the senate thereupon concurred in said amendments.

On motion of Mr. Hough,

The amendments were ordered to be engrossed, and the bill to be read a third time, by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Davis, Finch, Hascall, Hough, McDonell, Moody, Raynale, Ten Eyck—10.

Nay—Mr. Ellis—1.

The bill, on motion of Mr. Barry, was thereupon read a third time and passed; and the title was amended by striking out the word 'the' before 'judges.'

On motion of Mr. McDonell,

The necessary rule being suspended, the vote by which the bill entitled 'a bill to amend the fourth section of an act entitled an act to authorize the sale of certain lands, approved March 7th, 1834,' was lost on its final passage, was reconsidered, and the question recurring on the final passage of the bill, the bill passed.

The bill from the house of representatives, entitled 'a bill to authorize the town council of the town of Ypsilanti, to raise by tax a sum of money for certain purposes,' having been taken up, the bill was read a first time, and by consent of three-fourths a second time; and thereupon, the necessary rule being suspended, the bill was read a third time, and passed.

The amendments made by the house of representatives to the bill entitled 'a bill to provide for the election of delegates to a convention,' having been taken up, the senate non-concurred in the fourth amendment made by the house of representatives, by yeas and nays, as follows:

Yeas—Messrs. Barry, Clarke, Ellis—3.

Nays—Messrs. Britain, Davis, Finch, Hascall, Hough, McDonell, Moody, Raynale, Ten Eyck—9.

The amendments made by the house of representatives to the bill entitled 'an ordinance relative to certain propositions

made by the congress of the United States to the legislature of the state of Michigan,' having been taken up, Mr. Ellis moved to strike out 'five hundred thousand acres,' and insert 'seven hundred sections,' which motion did not prevail, and the amendment was agreed to.

The vote on agreeing to the above amendment, having, on motion of Mr. Britain, been reconsidered, Mr. Britain moved to amend said amendment, by adding thereto, as follows :

'That for the construction of a road from the mouth of Ontonagon river of lake Superior, to the mouth of Menominee river of Green Bay, or some river of Green Bay north of said Menominee river, thence to the Sault Saint Marie, to be located under the direction of the legislature, one section of land for each mile of said road shall be granted to said state.'

Which amendment prevailed, the question being decided in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Britain, Comstock, Davis, Finch, Hascall, Hough, McDonell, Moody, Raynole, Ten Eyck—10.

Nays—Messrs. Barry, Clarke, Ellis—3.

Mr. Britain moved to amend further by adding an amendment as follows:

'All roads commenced by the United States, and remaining unfinished in this state, shall be completed and put in repair at the expense of the United States.'

Which motion prevailed ; and the amendment from the house of representatives as amended, was then concurred in by the senate.

Mr. Moody, from the committee on enrolment, reported as correctly engrossed, the amendment made in senate to the amendment made by the house of representatives to the bill entitled 'a bill to provide for the election of delegates to a convention.'

The bill from the house of representatives entitled 'a bill to define the duties of superintendent of public instruction, and for other purposes,' was read a first time, and by consent of three-fourths a second time, and, on motion of Mr. Ellis, com-

mitted to the committee on literature ; the vote on committing to the committee on literature, on motion of Mr. McDonell, was reconsidered; and the bill was committed to committee of the whole.

The bill from the house of representatives entitled 'a bill to authorize the administrators of the estate of James S. Odell, late of St. Joseph county, deceased, to convey by deed the title of certain lands to Benjamin Carr,' having been read a first time, and by consent of three-fourths a second and third times, passed the senate.

The bill entitled 'a bill to incorporate the Huron and Grand river railroad company,' having been taken up, was, on motion of Mr. Clarke, read a second time, and committed to a select committee ; and Messrs. Clarke, Moody and Davis, were appointed the committee.

On motion of Mr. Britain,

The bill entitled 'a bill to incorporate the Brest and Grand river railroad company,' was taken up, and read a second time, and on motion of Mr. Comstock, committed to a select committee: Messrs. Comstock, Britain and McDonell, were appointed the committee.

On motion of Mr. Ellis,

The bill entitled 'a bill to amend an act entitled an act concerning costs and fees, approved April 23d, 1833,' was committed to the committee on the judiciary.

The bill from the house of representatives entitled 'a bill to amend the act entitled an act to regulate highways, approved April 17th, 1833,' was read a first time, and by consent of three-fourths a second time, and on motion of Mr. Comstock, committed to the committee on roads and bridges.

The bill from the house of representatives entitled 'a bill to enable the trustees of the first Presbyterian society of Calhoun county to sell and convey certain real estate,' having been read a first time, Mr. Hough moved to lay the bill on the table, which was lost; and the bill, on motion of Mr. Comstock, and by consent of three-fourths, was read a second



time ; Mr. Moody then moved to lay the bill on the table, which was decided in the negative, by yeas and nays, as follows :

Yeas—Messrs. Davis, Hough, Moody, Ten Eyck—4.

Nays—Messrs. Britain, Clarke, Comstock, Ellis, Finch, Hascall, McDonell, Raynale, President pro tem.—9.

Mr. Comstock moved that the bill be now read a third time, which motion did not prevail, three-fourths not voting in the affirmative.

The bill, on motion of Mr. Hascall, was then ordered to be read a third time to morrow.

The bill from the house of representatives entitled 'a bill to enable Francis Cousino to execute a deed,' was read a first time, and by consent of three-fourths a second time, and on motion of Mr. Ellis, committed to the committee on the judiciary.

The bill from the house of representatives entitled 'a bill to appoint commissioners to lay out a state road from Ypsilanti to Adrian,' having been read a first time, Mr. Hough moved to lay the bill on the table, which was lost ; and the bill on motion of Mr. Comstock, by consent of three-fourths, was read a second time, and committed to the committee on roads and bridges.

The senate then resolved itself into committee of the whole, Mr. Hascall in the chair, on the bills entitled as follows:

'A bill to authorize the treasurer of the state to receive from the secretary of the treasury of the United States, money appropriated for making roads and canals within the state;'

'A bill to authorize the governor to locate certain lands, and to select certain salt springs in this state;'

'A bill to enable the several counties of this state to locate by pre-emption certain public lands;'

And the amendment to the bill from the house of representatives entitled 'a bill to provide for holding elections;'

And after some time spent thereon, the committee rose

and reported said bills back to the senate, with an amendment to the amendment to the bill from the house of representatives, and asked the concurrence of the senate therein.

The senate thereupon concurred in said report.

Mr. Britain moved to amend the bill entitled 'a bill to authorize the governor to locate certain lands, and to select certain salt springs in this state,' by striking out section 1, lines 3 and 4, the words 'by and with the consent and approbation of the secretary of the treasury of the United States,' which motion was decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Britain, Comstock, Davis, Ellis, Raynale—5.

Nays—Messrs. Barry, Finch, Hough, McDonell, Moody, Ten Eyck—6.

Mr. McDonell moved that the bill be ordered to be engrossed for third reading;

Mr. Moody moved to reconsider the vote by which the amendment last offered was rejected, which motion prevailed; and the amendment was thereupon adopted by yeas and nays as follows:

Yeas—Messrs. Britain, Clark, Comstock, Davis, Ellis, Moody, Raynale—7

Nays—Messrs. Barry, Finch, Hough, McDonell, Ten Eyck—5.

Mr. Comstock moved to insert after the word 'authorized' line 3, sec. 1, the words 'by and with the consent of the senate to appoint three commissioners,' which was lost; and the bill was ordered to be engrossed for third reading.

The bills entitled 'a bill to authorize the treasurer of the state to receive from the secretary of the treasury of the United States, money appropriated for making roads and canals within this state,' 'a bill to enable the several counties of this state to locate by pre-emption certain public lands;' and the amendment to the bill from the house of representatives entitled 'a bill to provide for holding elections,' were several-

ly ordered to be engrossed, and the bills to a third reading.

Mr. McDonell moved that the senate do now adjourn, which was lost.

Mr. Ellis called up the resolution offered yesterday, relative to the adjournment of both houses of the legislature, and moved to strike out 'to-morrow' and insert 'on Monday next;' a division of the question being called for, the question on striking out, prevailed.

Mr. Barry moved to lay the resolution on the table, which was agreed to by yeas and nays, as follows:

Yeas—Messrs. Barry, Clark, Davis, Hascall, McDonell, Moody, Raynale, Stockton, Ten Eyck—9.

Nays—Messrs. Britain, Comstock, Ellis, Finch, Hough—5.

Mr. Hough moved that the senate adjourn, which motion did not prevail.

Mr. Davis asked and obtained leave of absence until Monday next.

On motion of Mr. Hascall,

The bill entitled 'a bill to incorporate the Huron and Grand river railroad company,' was ordered to be engrossed and read a third time to-morrow.

And the senate, on motion of Mr. Barry, adjourned.

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FRIDAY, July 22, 1836.

The senate met pursuant to adjournment.

The roll being called, there was absent on leave, Mr. Rumsey.

Mr. Stockton presented the petition of Betsey Smith, for authority to sell real estate; referred to the committee on the judiciary.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed the bill entitled 'a bill to amend the 4th section of an act entitled "an act to authorize the sale of certain lands," approved March 7, 1824,' and the amendments to the bill from the house of representatives, entitled 'a bill to

authorize the judges of probate to grant license to sell the real estate of minors and others.'

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed the amendments made in senate to the amendment from the house of representatives to the bill entitled 'an ordinance relative to certain propositions made by the congress of the United States to the legislature of the state of Michigan.'

Mr. Barry, from the committee on the judiciary, to whom had been referred the bill from the house of representatives, entitled 'a bill to enable Francis Cousino to execute a deed,' reported the same back with an amendment, in which they asked the concurrence of the senate ; and the senate thereupon concurred in said amendment.

Mr. Davis, from the committee on roads and bridges, to whom was referred a bill from the house of representatives, authorizing a state road to be laid out from Ypsilanti to Adrian, reported that the road as contemplated by the bill was not far distant from a road already established, and that by establishing this road, a great injury would be sustained by landholders in consequence of the road passing diagonally through their farms; therefore your committee are of the opinion that the bill ought not to pass, and would beg leave to be discharged from the further consideration of the same.

Said report was accepted, and the committee discharged.

Mr. Davis, from the committee on roads and bridges, to whom was referred a bill from the house of representatives, to amend an act entitled 'an act to regulate highways, approved April 17, 1833,' reported that the laws of Michigan are undergoing a revision, and therefore your committee are of the opinion that no action is necessary at this session of the legislature, and would beg leave to be discharged from the further consideration of the bill.

Which report was also accepted, and the committee discharged from the further consideration of the bill.

Mr. Barry, from the committee on the judiciary, to whom

had been referred the bill entitled 'an act to amend an act entitled "an act concerning costs and fees," approved April 23, 1833,' reported an amendment as a substitute for said bill, entitled 'a bill giving certain compensation to the jailor of the county of Monroe;' in which they asked the concurrence of the senate.

And the senate concurred in said amendment; and the bill as amended was ordered to be engrossed for third reading.

Mr. Comstock, from the select committee to whom had been committed the bill entitled 'a bill to incorporate the Huron and Grand river railroad company,' reported the bill back to the senate without amendment; and the bill was thereupon ordered to be engrossed for third reading.

Mr. Clarke having asked for leave to bring in a bill to authorize the building of a dam across Grand river, near the mouth of Maple river;—

Mr. Stockton moved a suspension of the rule requiring one day's previous notice of a motion for leave to bring in a bill, which motion did not prevail, two thirds not voting in the affirmative.

Mr. Comstock, in pursuance of previous notice, asked and obtained leave to bring in a bill to amend the act entitled 'an act to incorporate the Detroit and St. Joseph railroad company.'

Mr. Ten Eyck submitted the following joint resolution, which was read a first time, and, by consent of three-fourths, a second time; being in the words following:

*Resolved by the senate and house of representatives of the state of Michigan,* That the governor of this state be authorized to appoint                      commissioners to negotiate with the Detroit and Grand river railroad company for the purchase of their charter, and that said commissioners have full power and authority to make contracts for the purchase of the same; which contracts shall be binding upon the state:

And that said commissioners be further required to report

a full and correct statement of their acts and doings in the premises to the next legislature of this state;

And further, that the governor instruct said commissioners not to pay said railroad company any advance for said charter as a bonus.

Mr. Clarke gave notice that on some future day he should ask leave to bring in a bill to authorize the building of a dam across Grand river, near the mouth of Maple river.

On motion of Mr. Stockton,

A committee was appointed, in pursuance of leave previously given, to bring in a bill authorizing the building of a dam across Clinton river:

Messrs. Stockton, Clark and Moody were appointed the committee.

A message was received from the house of representatives by their clerk, transmitting bills entitled—

‘A bill to legalize the classification of justices of the peace in certain cases;’

‘A bill to authorize the appointment of commissioners to locate certain lands granted to this state;’

‘A bill to authorize certain commissioners to alter a territorial road;’ and

‘A bill to authorize the board of supervisors and commissioners of highways to tax certain lands, and for other purposes.’

The engrossed bill, entitled ‘a bill to incorporate the Huron and Grand river rail-road company,’ having been read a third time, Mr. Hascall moved to amend by adding after the word ‘Lapeer,’ section 2, the words ‘and Genessee;’ which being seconded by a majority, was agreed to.

Mr. Comstock moved to strike out ‘three’ before ‘years,’ in section 4, and insert ‘one.’

Mr. Ellis moved to amend by inserting ‘two’ instead of ‘one,’ which was agreed to.

The bill, on motion of Mr. Comstock, was then committed to the committee on internal improvements.

A message from the executive was received through the secretary of state, as follows:

*'To the senate—*

I have this day approved and filed in the office of the secretary of state, an act entitled 'an act empowering the treasurer of the state to receive from the secretary of the treasury of the United States, deposits of the public money.'

STEVENS T. MASON.

July 22, 1836.'

Also a message on executive business.

The engrossed bill, entitled 'a bill to authorize the governor to locate certain lands, and select certain salt springs in this state,' having been read a third time, Mr. McDonell moved to insert before 'fourth,' in section two, the words 'third and;' which amendment, having been seconded by a majority, was agreed to, and the blank in section two, on motion of Mr. McDonell, was filled with 'five hundred,

And the bill then passed.

The engrossed bill, entitled 'a bill to provide for the election of township and county officers in certain cases,' having been read a third time, Mr. Barry moved to strike out, in section one, the words 'fourth Monday of August,' which, having been seconded by a majority, was agreed to, and the blank, on motion of Mr. Hascall, was filled with 'third Monday of August.' The vote on so filling the blank, on motion of Mr. Barry, was reconsidered, and the blank then filled with 'third Monday of September.'

The question being on the final passage of the bill, Mr. Barry moved that the senate adjourn to half-past 2 o'clock, p.m., which motion was lost; and the bill then passed, by yeas and nays, as follows:

Yeas—Messrs. Britain, Davis, Finch, Hascall, Hough, McDonell, Moody, Raynale, Ten Eyck—9.

Nays—Messrs. Barry, Clarke, Comstock, Ellis, Stockton—5.

And the title, on motion of Mr. Ellis, was amended by adding thereto the words, 'and for other purposes.'

Mr. Finch asked and obtained leave of absence for to-day.

The senate, on motion of Mr. Moody, adjourned to three o'clock, P.M.

#### AFTERNOON SESSION.

Three o'clock P. M.

The senate met pursuant to adjournment.

Mr. McDonell presented certain claims; referred to the committee on ways and means.

On motion of Mr. Barry, the amendment to the bill from the house of representatives entitled 'a bill to enable Francis Cousino to execute a deed,' was ordered to be engrossed, and the bill to a third reading; and the bill was thereupon read a third time, and passed.

The bill from the house of representatives entitled 'a bill to provide for holding elections,' with the engrossed amendment, having been read a third time, the bill then passed.

Mr. Moody, from the committee on enrolment, reported as correctly engrossed, the bills entitled 'a bill to authorize the governor to locate certain lands, and to select certain salt springs in this state,' and 'a bill to provide for the election of township and county officers in certain cases, and for other purposes,' and the amendment to the bill from the house of representatives entitled 'a bill to enable Francis Cousino to execute a deed.'

Mr. Hough, from the committee on internal improvements, to whom had been committed the bill entitled 'a bill to incorporate the Huron and Grand River railroad company,' reported the same back with an amendment.

The engrossed bill entitled 'a bill to authorize the treasurer of the state to receive from the secretary of the treasury of the United States, money appropriated for making roads and canals within the state,' was read a third time and passed.

The engrossed bill entitled 'a bill to enable the several counties of this state to locate by pre-emption certain public lands,' was read a third time, and passed.



The bill from the house of representatives entitled 'a bill to enable the trustees of the first Presbyterian society of Calhoun county to sell and convey certain real estate,' having been read a third time, passed the senate.

The amendment reported by the committee on internal improvements, to the bill entitled 'a bill to incorporate the Huron and Grand River railroad company,' having been taken up, the amendment was adopted: and the question being on the final passage of the bill; Mr. Stockton moved a call of the senate, which being sustained, on the call being made, there were absent, Mr. Ellis: absent on leave, Messrs. Finch and Rumsey.

Mr. Stockton moved to lay the bill on the table, which motion prevailed by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Clarke, McDonell, Stockton, Ten Eyck, President—7.

Nays—Messrs. Comstock, Davis, Hascall, Hough, Moody, Raynale—6.

A message was received from the house of representatives, through their clerk, transmitting bills entitled as follows: 'a bill to extend Jefferson Avenue to the intersection of the present Gross Point road, on lake St. Clair:' 'a bill to authorize certain persons to convey lands; also, returning to the senate, where they originated, the following bills, which were concurred in by the house of representatives: 'a bill to amend the fourth section of an act entitled 'an act to authorize the sale of certain lands, approved March 7th, 1834,' and 'an ordinance relative to certain propositions made by the congress of the United States to the legislature of the state of Michigan.'

The senate then resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill from the house of representatives, entitled 'a bill to define the duties of superintendent of public instruction, and for other purposes;' and after some time spent thereon, the committee rose, and through their chairman, reported the same back to the sen-

ate with sundry amendments, in which they asked the concurrence of the senate.

The question on concurring in the first of said amendments, being to strike out section four, was decided in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barry, Clarke, Hascall, Hough, McDonell, Moody, Stockton, Ten Eyck—8.

Nays—Messrs. Britain, Comstock—2.

The second amendment being to strike out in section five, line one, the words ‘call on,’ and insert, ‘require of,’ and strike out the word ‘for,’ where it occurs afterwards, was adopted.

The third amendment, being to strike out section six, was non-concurred in, by yeas and nays, as follows:

Yeas—Messrs. Barry, Clarke, Hascall, McDonell, Stockton, Ten Eyck—6.

Nays—Messrs. Britain, Comstock, Davis, Finch, Hough, Moody, Raynale—7.

The fourth amendment, being to strike out section 12, was then concurred in, by yeas and nays, as follows:

Yeas—Messrs. Barry, Clarke, Davis, Finch, Hascall, McDonell, Moody, Stockton, Ten Eyck—9.

Nays—Messrs. Britain, Comstock, Hough, Raynale—4.

On motion of Mr. Britain, the following was adopted as an additional section to the bill:

‘Sec. 12. Said superintendent shall not, during his continuance in office, hold any other office, or attend to the business of any profession, except that of instruction.’

The vote on the adoption of the above amendment, on motion of Mr. McDonell, was reconsidered, by yeas and nays, as follows:

Yeas—Messrs. Clarke, Comstock, McDonell, Moody, Stockton, Ten Eyck, President—7.

Nays—Messrs. Barry, Britain, Davis, Finch, Hough, Raynale—6.

Mr. Britain moved a call of the senate, which being sus-

tained, there were absent, Mr. Hascall; absent on leave, Messrs. Ellis and Rumsey; leave of absence, on motion of Mr. Clarke, having been granted to Mr. Ellis for this afternoon.

On motion of Mr. Britain, the sergeant-at-arms was sent for the absent members.

The question recurring on the adoption of the above amendment, was decided in the affirmative by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Clarke, Davis, Finch, Hascall, Hough, Moody, Raynale—9.

Nays—Messrs. Comstock, McDonell, Stockton, Ten Eyck—4.

On motion of Mr. Barry, the words 'be authorized' were inserted after 'shall;' and the word 'to' before 'call,' in section 6, line 1.

The amendments, on motion of Mr. Barry, were then ordered to be engrossed, and the bill to a third reading; and the bill and amendments were thereupon read a third time, and the bill passed.

A message was received from the house of representatives through their clerk, informing the senate that Messrs. Richardson, Hill and Heath were appointed a committee of conference on the part of the house on the amendment to the bill to provide for electing delegates to a convention, and that they respectfully ask the appointment of a similar committee on the part of the senate.

And the senate, on motion of Mr. Britain, agreed to the appointment of a committee of conference on the part of the senate; and Messrs. Britain, McDonell and Moody were appointed the committee.

On motion of Mr. Davis, the resolution relative to the adjournment of the legislature was taken up: Mr. McDonell moved to fill the blank with 'Monday the 25th inst.;' which was decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Barry, Clarke, Finch, Hough, McDonell, Stockton—6.

Nays—Messrs. Britain, Comstock, Davis, Hascall, Moody, Raynale, Ten Eyck—7.

Mr. Davis thereupon moved to fill the blank with 'Saturday the 23rd,' which motion prevailed by yeas and nays, as follows:

Yeas—Messrs. Britain, Comstock, Davis, Hascall, Moody, Raynale, Ten Eyck—7.

Nays—Messrs. Barry, Clarke, Finch, Hough, McDonell, Stockton—6.

And the resolution was thereupon adopted, by yeas and nays, as follows:

Yeas—Messrs. Britain, Comstock, Davis, Hascall, Moody, Raynale, Ten Eyck—7.

Nays—Messrs. Barry, Clarke, Finch, Hough, McDonell, Stockton—6.

The bill from the house of representatives entitled 'a bill to authorize certain persons to convey lands,' having been read a first time, and by consent of three fourths a second time; Mr. Hough moved to lay the bill on the table, which motion was lost, and the bill on motion of Mr. McDonell, was committed to committee of the whole.

The bill from the house of representatives entitled 'a bill to extend Jefferson Avenue to the intersection of the Gross Point road,' was thereupon also read a first time, and by consent of three-fourths, a second time, and committed to committee of the whole.

The senate then resolved itself into committee of the whole, Mr. Stockton in the chair, on said bills; and after some time spent thereon, the committee rose, and through their chairman reported the same back to the senate, with an amendment to the last of said bills.

And the senate concurred in said amendment; and the amendment, on motion of Mr. McDonell, was ordered to be

engrossed, and the bill to a third reading; and the bill was then read a third time and passed.

The first of the above bills was thereupon also ordered to a third reading, and read a third time, and passed.

Mr. Comstock presented a petition from John Biddle, as president of the Detroit and St. Joseph railroad company, in behalf of said company: read and referred to the committee on the judiciary.

Mr. Hascall laid the following resolution on the table:

*Resolved*, That no pay shall be allowed any member or officer of the senate for the time that they are not in actual attendance at the capitol.'

The senate, on motion of Mr. Davis, then went into the consideration of executive business.

When the doors were opened,

A message was received from the house of representatives by their clerk, returning a bill entitled 'a bill to authorize the governor to locate certain lands and select certain salt springs in this state,' without amendment: also transmitting bills entitled as follows: 'a bill to incorporate the stockholders of the bank of Constantine;' 'a bill to amend an act entitled an act to establish a court of chancery and for other purposes.'

The bill from the house of representatives, entitled 'a bill to incorporate the stockholders of the bank of Constantine,' was read a first time, and laid on the table.

The bill from the house of representatives, entitled 'a bill to amend an act to establish a court of chancery and for other purposes,' was read a first, and by consent of three-fourths, a second time, and, on motion of Mr. McDonell, committed to committee of the whole.

The senate then adjourned.

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SATURDAY, July 23, 1836.

The senate met pursuant to adjournment.

The roll being called, there were absent on leave, Messrs. Finch, Rumsey.

Mr. Barry, from the committee on the judiciary, to whom had been referred the petition of the president of the Detroit and St. Joseph railroad company, reported a bill entitled 'a bill to amend an act entitled an act to incorporate the Detroit and St. Joseph railroad company,' which having been read a first time, and, by consent of three-fourths, a second time, on motion of Mr. McDonell, was committed to committee of the whole.

Mr. McDonell from the committee on finance, to whom had been referred certain claims, brought in a bill entitled 'a bill supplementary and in addition to an act entitled an act making appropriations in part for the year 1836, and fixing the pay of officers and members of the legislature,' approved March 28, 1836, which was read a first time, and by consent of three-fourths a second time, and laid on the table and ordered to be printed.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the bills entitled 'a bill to authorize the treasurer of the state to receive from the secretary of the treasury of the United States, money appropriated for making roads and canals within the state,' and 'a bill to enable the several counties of this state to locate by pre-emption certain public lands' also 'a resolution relative to the adjournment of the legislature;' and the amendment to the bills from the house of representatives, entitled 'a bill to provide for holding elections,' 'a bill to define the duties of superintendent of public instruction, and for other purposes,' and 'a bill to extend Jefferson Avenue to the intersection of the present Gross Point road on lake St. Clair.'

Mr. Clarke, in pursuance of previous notice, asked and obtained leave to bring in a bill to authorize the building of a dam across Grand river, at or near the mouth of Maple river; and Messrs. Clarke, Hascall and Moody were appointed the committee.

Mr. Clarke, from said committee, brought in a bill entitled 'a bill authorizing the building of a dam across Grand river,

near the mouth of Maple river;’ which having been read a first time, Mr. Davis moved to lay the bill on the table, which was decided in the negative by yeas and nays, as follows:

Yeas—Messrs. Davis, Ellis, Hough, Moody—4.

Nays—Messrs. Barry, Britain, Clarke, Comstock, Hascall, Raynale, Ten Eyck—7.

Mr. Davis moved a call of the senate, which being sustained, there were absent, Mr. McDonell; on leave, Messrs. Finch and Rumsey.

The question on now reading the bill a second time was lost, three-fourths not voting in the affirmative, the yeas and nays being as follows:

Yeas—Messrs. Barry, Britain, Clarke, Comstock, Hascall, McDonell, Moody, Raynale, Stockton—9.

Nays—Messrs. Davis, Ellis, Hough, Ten Eyck—4.

The bill from the house of representatives, entitled ‘a bill to authorize the appointment of commissioners to locate certain lands granted to this state, having been taken up was laid on the table.

The bill from the house of representatives, entitled ‘a bill to legalize the classification of justices of the peace in certain cases,’ was read a first time, and, by consent of three-fourths, a second time, and on motion of Mr. Hough, committed to the committee on the judiciary.

The bill from the house of representatives, entitled ‘a bill to authorize the boards of supervisors and commissioners of highways to tax certain lands, and for other purposes,’ having been read a first time, and by consent of three-fourths a second time, was, on motion of Mr. Barry, committed to committee of the whole.

The bill from the house of representatives, entitled ‘A bill to authorize certain commissioners to alter a territorial road,’ having been read a first time, and by consent of three-fourths a second time, was on motion of Mr. Barry, committed to the committee on roads and bridges.

On motion of Mr. Barry,

The bill from the house of representatives, entitled 'A bill to incorporate the stockholders of the bank of Constantine,' was taken up and read a second time; and was thereupon ordered to a third reading, three-fourths voting in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Comstock, Davis, Ellis, Hascall, McDonell, Moody, Raynale, Stockton, Ten Eyck—11.

Nays—Mr. Hough—1.

And the bill, on motion of Mr. Barry, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Clark, Comstock, Davis, Ellis, Hascall, McDonell, Moody, Raynale, Stockton, Ten Eyck—12.

Nays—Mr. Hough—1.

On motion of Mr. Clark,

The bill entitled a bill to incorporate the Huron and Grand river railroad company, was taken up; and the question being on the final passage of the bill, was decided in the affirmative, two-thirds voting in favor thereof, by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Clark, Comstock, Ellis, Hascall, McDonell, Moody, Raynale, Stockton, Ten Eyck—11.

Nays—Messrs. Davis, Hough—2.

The engrossed bill, entitled 'a bill to incorporate the Brest and Grand river railroad company,' being read a third time, Mr. Moody moved to amend by adding to section 4, as follows:

'The railroad shall run through Brown and Fuller's addition of Ann Arbor: *Provided*, The citizens of said place shall, at the times for receiving subscription to the stock, subscribe stock to the amount of fifty thousand dollars, and pay, or cause to be paid, all damages which may be legally assessed for a track of said railroad across the said addition of the vil-



lage aforesaid;' which amendment having been seconded by a majority, was adopted.

On motion of Mr. Ellis, seconded by a majority, the word 'fifteen' before 'years', in sections 16 and 20, was altered to 'five,' and the word 'reasonable' inserted before 'sums,' in section 16.

On motion of Mr. Clarke, seconded by a majority, the following was adopted as an additional section.

'Sec. 21. Fifty cents on each share shall be paid in on each share subscribed, at the time of subscribing.'

A motion by Mr. Ellis, to amend said amendment by striking out 'fifty cents' and inserting 'five dollars,' was lost.

On motion of Mr. Ellis, seconded by a majority, the following were added as two additional sections:

'Sec. 22. Said company shall at all times, if required by the post office department, transport the United States mail upon said road, as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches, three times per week a like distance, upon the several post roads in this state: *Provided*, Nothing herein contained shall be construed to require any of the vehicles of the said company to wait at any office for the change of the mail.

'Sec. 23. The state shall have the right of subscribing, at any time within two years, any number of shares in the capital stock of said company, not exceeding one thousand; in such case the legislature shall, if required by the stockholders, increase the number of shares and stock, which said corporation may hold, to the amount of the sum or sums which may be so subscribed.'

And the bill then passed, two thirds voting in the affirmative by yeas and nays as follows:

Yeas—Messrs. Barry, Britain, Clark, Comstock, Ellis,

Hascall, McDonell, Moody, Raynale, Stockton, Ten Eyck,  
—11.

Nays—Messrs. Davis, Hough,—2.

On motion of Mr. Hough,

The joint resolution relative to the Detroit and St. Joseph railroad charter, was taken up, and having been on sundry motions, amended so as to read as follows, was ordered to be engrossed for third reading.

*Resolved by the senate and house of representatives of the State of Michigan,* That the governor of this state, by and with the advice and consent of the senate, be authorized to appoint three commissioners to receive proposals from the Detroit and St. Joseph railroad company for the purchase of their charter; and the said commissioners be required to report a full and correct statement of their acts and doings in the premises to the legislature of this state at its next session.'

A message from the executive was received through the secretary of state as follows:

*'To the senate:—*

I have this day approved and filed in the office of the secretary of state the following acts, viz:

*'An act to authorize the town council of the town of Ypsilanti to raise by tax a certain sum of money;'*

*'An act to authorize the administrator of the estate of James S. Odell late of St. Joseph county deceased, to convey by deed the title of certain lands to Benjamin Carr.'*

STEVENS T. MASON.

July 23, 1836.'

Also a message on executive business.

The senate, on motion of Mr. Barry, then went into the consideration of executive business.

When the doors were opened,

Mr. Ellis from the committee on enrolment, reported as correctly engrossed, the bills entitled 'a bill to incorporate

the Brest and Grand river railroad company,' and 'a bill to incorporate the Huron and Grand river railroad company.'

The necessary rule being suspended, Mr. Comstock asked and obtained leave to bring in a bill to legalize the election of register of deeds and treasurer in the county of Allegan: and Messrs. Comstock, Davis, and Stockton, were appointed a committee to bring in said bill.

Mr. Comstock moved that the senate adjourn, to 3 o'clock, P. M.: Mr. Hough moved that the senate adjourn, which motion did not prevail: and the senate then adjourned to 3 o'clock P. M.

#### AFTERNOON SESSION.

Three o'clock, P. M.

The senate met pursuant to adjournment.

The engrossed bill entitled 'a bill giving certain compensation to the jailor of the county of Monroe,' having been read a third time, and the blank, on motion of Mr. Ellis, having been filled with 'one hundred,' the bill then passed.

Mr. Ellis, from the committee on enrolment reported as correctly enrolled, two bills entitled as follows:

'An act to amend the fourth section of an act entitled 'an act to authorize the sale of certain lands,' approved March 7th, 1834,' and

'An act to authorize the governor to locate certain lands, and to select certain salt springs in this state:' which bills were thereafter this day presented to the governor for his signature.

The senate, on motion of Mr. Barry, then resolved itself into committee of the whole, Mr. Ellis in the chair, on the bills from the house of representatives entitled,

'A bill to amend an act entitled an act to establish a court of chancery and for other purposes,' and 'a bill to authorize the boards of supervisors and commissioners of highways to tax certain lands, and 'a bill to amend an act entitled an act to incorporate the Detroit and St Joseph railroad company:' and after some time spent thereon, the committee rose, and

through their chairman, reported the same back to the senate, with an amendment to the second of said bills, in which they asked the concurrence of the senate.

And the senate then concurred in said amendment, being to strike out all after the enacting clause.

The bill from the house of representatives entitled 'a bill to amend an act entitled an act to establish a court of chancery and for other purposes,' was then ordered to a third reading; and having been read a third time, was passed.

The bill entitled 'a bill to amend an act entitled an act to incorporate the Detroit and St. Joseph railroad company, on motion of Mr. Clark, was laid on the table until Monday next.

A message was received from the house of representatives through their clerk, returning the following bills with sundry amendments:

'A bill to authorize the treasurer of the state to receive from the secretary of the treasury of the United States, money appropriated for making roads and canals within the state;'

'A bill to enable the several counties within this state to locate by pre-emption certain public lands:'

And transmitting bills which had passed the house of representatives, entitled 'a bill to authorize Anthony Dequindre to sell and convey certain lands:'

'A bill to organize a certain township;' also returning to the senate a 'resolution fixing the time for adjournment,' with an amendment.

The senate thereupon concurred in the amendment to the resolution, relative to adjournment, being to strike out 'Saturday the 23d inst.,' and insert 'Tuesday the 26th.'

The amendment made by the house of representatives to the bill entitled 'a bill to enable the several counties of this state to locate by pre-emption certain public lands,' was taken up and concurred in by the senate.

The bill from the house of representatives entitled 'a bill to organize a certain township,' having been read a first time, and by consent of three fourths a second time, was ordered to a third reading.

The bill from the house of representatives entitled 'a bill to authorize Anthony Dequindre to sell and convey certain lands,' having been read a first time, and by consent of three-fourths a second time, was on motion of Mr. Barry, committed to the committee on the judiciary.

The senate then concurred in the amendment made by the house of representatives to the bill entitled 'a bill to authorize the treasurer of the state to receive from the secretary of the treasury of the United States, money appropriated for making roads and canals within the state.'

Mr. Comstock, from the select committee appointed for that purpose, brought in a bill entitled 'a bill to legalize the election of certain officers in the county of Allegan, and for other purposes,' which having been read a first, and by consent of three-fourths a second time, was on motion of Mr. Barry, ordered to be engrossed for third reading.

And the senate then adjourned.

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MONDAY, July 25, 1836.

The senate met pursuant to adjournment.

The roll being called, there was absent Mr. Rumsey ; absent on leave, Mr. Finch.

On motion of Mr. Hough,

*Ordered*, That the injunction of secrecy be taken from the executive journal up to the present date.

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the bill entitled 'a bill giving certain compensation to the jailor of the county of Monroe.'

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, two bills entitled as follows:

'An ordinance relative to certain propositions made by the

congress of the United States to the legislature of the state of Michigan;' and 'and an act to organize the treasurer of the state to receive from the secretary of the treasury of the U. States, money appropriated for making roads and canals within the state;' which bills were thereafter presented to the governor for his signature.

Mr. Davis from the committee on roads and bridges, to whom had been committed a bill from the house of representatives entitled 'a bill to authorize certain commissioners to alter a territorial road,' reported that the committee had no evidence that such alteration was necessary, and asked that the committee be discharged from the further consideration of the subject.

And the committee were so discharged, and the bill together with the report, on motion of Mr. Comstock, were laid on the table.

Mr. Barry from the committee on the judiciary, to whom had been referred the petition of Betsey Smith, reported adverse to action on the subject at this time, and moved that the committee be discharged from the further consideration of the petition, and that the petitioner have leave to withdraw her petition.

The committee was so discharged, and leave to withdraw the petition granted.

A message was received from the house of representatives through their clerk as follows:

'Mr. President:—

I am directed by the house of representatives to inform the senate that the house have receded from the amendment made to the bill to provide for electing delegates to a convention, in which the senate non-concurred:—

'I also herewith transmit to the senate, a joint resolution which had passed the house of representatives, to provide for the publication of the laws and for other purposes, in which they respectfully ask the concurrence of the senate.'

Said resolution from the house of representatives having been read a first time, and by consent of three-fourths a second time, was, on motion of Mr. Ellis, amended by striking out after the word 'resolved,' the words 'if the senate concur,' and inserting 'by the senate and house of representatives of the state of Michigan;' and thereupon, on motion of Mr. Britain, committed to the committee on printing.

Mr. Davis submitted a joint resolution to provide for adjusting certain claims for services in supporting the supremacy of the laws of Michigan, which having been read a first time, Mr. Davis moved that it be now read a second time, which motion did not prevail, three-fourths not voting in the affirmative.

On motion of Mr. Ellis,

The 10th joint rule was suspended by the senate, for the purpose of allowing to be sent to the house of representatives, a bill entitled 'a bill giving certain compensation to the jailor of the county of Monroe.'

The engrossed bill entitled 'a bill to legalize the election of certain officers in the county of Allegan and for other purposes,' was read a third time and passed.

The bill from the house of representatives entitled 'a bill to organize a certain township,' was read a third time and passed.

The engrossed resolution relative to the Detroit and St. Joseph railroad company's charter, being read a third time, Mr. Davis moved to amend by inserting after 'charter' as follows:

'And also the stock of the company created by the act entitled an act to incorporate the Detroit and Maumee railroad company, approved August 25th, 1835;—'

Which amendment being received by consent of a majority, was, on motion of Mr. Comstock, amended by adding thereto, 'and all other railroads in the state;' and the amendment as amended was then adopted.

On motion of Mr. Comstock, seconded by a majority, the

words 'by and with the advice and consent of the senate,' 'to appoint three commissioners,' were struck out; and on motion of Mr. Barry, seconded by a majority, the words 'said commissioners,' were struck out, and the word, 'he,' inserted.

And the resolution as amended, then passed.

On motion of Mr. Hough,

The 10th joint rule was suspended by the senate, for the purpose of sending to the house of representatives the above resolution, and the bill relative to the election of certain officers in the county of Allegan.

The senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled 'a bill to amend an act entitled an act to incorporate the Detroit and St. Joseph railroad company;' and after some time spent thereon, the committee rose, and through their chairman, reported the same back to the senate with an amendment, in which they asked the concurrence of the senate.

And the senate thereupon concurred in said amendment.

The question being on ordering the bill to be engrossed for third reading; Mr. Moody moved to lay the bill on the table, which motion was decided in the negative, by yeas and nays, as follows :

Yeas—Messrs. Britain, Clark, Davis, Moody—4.

Nays—Messrs. Barry, Comstock, Ellis, Hough, McDonell, Raynale, Stockton, Ten Eyck—8.

The question on ordering the bill to a third reading, was then decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Barry, Comstock, Ellis—3.

Nays—Messrs. Britain, Clark, Davis, Hascall, Hough, McDonell, Moody, Raynale, Stockton, Ten Eyck—10.

A message was received from the house of representatives, through their clerk, transmitting bills and a resolution, entitled as follows : 'a bill to authorize the conveyance of



certain lands;' 'a bill to amend an act entitled an act to organize the supreme court and establish circuit courts;' 'a resolution suspending the 10th joint rule;' and returning to the senate, the bill entitled 'a bill to provide for the election of township and county officers in certain cases, and for other purposes,' with an amendment.

A message from the Executive was received through the secretary of state, as follows:

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state, the following acts, viz:

'An act to authorize judges of probate to grant license to sell the real estate of minors and others;'

'An act to authorize the governor to locate certain lands, and to select certain salt springs in this state;'

'An act to amend the fourth section of an act entitled an act to authorize the sale of certain lands, approved March 17th, 1834;'

'An act to authorize certain persons to convey lands;'

'An act to extend Jefferson Avenue to the intersection of the present Grosse point road on lake St. Clair;'

'An ordinance relative to certain propositions made by the congress of the United States to the legislature of the state of Michigan;'

'An act to authorize the treasurer of the state to receive from the secretary of the treasury of the United States, money appropriated for making roads and canals within the state;'

'An act to provide for holding elections;'

'An act to enable the trustees of the first Presbyterian society of Calhoun county to sell and convey certain lands.'

STEVENS T. MASON.

July 25, 1836.'

The senate, on motion of Mr. Barry, went into consideration of executive business.

When the doors were opened,

Mr. Ellis from the committee on printing, to whom had been referred a resolution from the house of representatives entitled 'a resolution to provide for the publication of the laws and for other purposes,' reported an amendment as a substitute for said resolution; which, together with the original resolution, was laid on the table.

Mr. Ellis from the committee on enrolment, reported as correctly engrossed, the bill entitled, 'a bill to legalize the election of certain officers in the county of Allegan, and for other purposes,' and, 'a resolution relative to the Detroit and St. Joseph railroad charter.'

The joint resolution from the house of representatives, relative to a suspension of the 10th joint rule being taken up, the resolution, on motion of Mr. Hough, was amended, by striking out all after the word 'suspended,' and inserting 'for this day;' and the resolution as amended, was concurred in.

The senate then adjourned to 2 o'clock, P.M.

#### AFTERNOON SESSION.

Two o'clock, P. M.

The senate met pursuant to adjournment.

A quorum not being present,

On motion of Mr. Hough, a call of the senate was made, when there were absent, Messrs. Comstock, Hascall, McDonnell, Raynole, Rumsey, Ten Eyck; absent on leave, Messrs. Finch, and Moody; and the sergeant-at-arms was sent for absent members.

A quorum having convened, Mr. Barry from the committee on the judiciary, to whom had been committed the bill from the house of representatives entitled 'a bill to legalize the classification of justices of the peace in certain cases,' reported the same back to the senate with an amendment, in which they asked the concurrence of the senate:

And the senate concurred in said amendment; and the a-

mendment was ordered to be engrossed, and the bill to a third reading; and the bill was then read a third time and passed.

Mr. Barry from the judiciary committee, to whom had been committed the bill from the house of representatives entitled 'a bill to authorize Anthony Dequindre to sell and convey certain lands;' reported the same back to the senate without amendment, recommending the passage of the bill.

The bill was thereupon ordered to a third reading; and read a third time and passed.

The amendment made by the house of representatives to the bill entitled 'a bill to provide for the election of township and county officers in certain cases, and for other purposes,' having been taken up, was non-concurred in by yeas and nays, as follows:

Yeas—Mr. Ellis—1.

Nays—Messrs. Barry, Britain, Clarke, Davis, Hough, McDonell, Raynald, Stockton—8.

The bill from the house of representatives entitled 'a bill to authorize the conveyance of certain lands,' having been read a first time, and by consent of three-fourths a second time, was ordered to a third reading; and thereupon read a third time and passed.

Mr. Ellis from the committee on enrolment, reported as correctly engrossed, the amendment made by the senate to the resolution from the house of representatives relative to a suspension of the 10th joint rule; also as correctly enrolled, two bills entitled 'an act to provide for the election of delegates to a convention,' and 'an act to enable the several counties of this state to locate by pre-emption certain public lands;' which enrolled bills were thereupon presented to the governor for his signature.

The amendment reported by the committee on printing to the resolution from the house of representatives relative to printing the laws, having been taken up, and on motion of Mr. Ellis, amended by striking out 'three' before 'months,'

and inserting 'two,' and adding an additional section as section 6; was ordered to be engrossed, and the resolution to a third reading; and the resolution was then read a third time, and passed.

The senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill entitled 'a bill supplementary and in addition to an act entitled 'an act making appropriations in part for the year 1836, and fixing the pay of officers and members of the legislature, approved March 28th, 1836:' and after some time spent thereon, the committee rose, and through their chairman reported the same back to the senate with amendments, in which they asked the concurrence of the senate.

And the senate thereupon, on motion of Mr. Barry, concurred in the several amendments made in committee of the whole, with the exception of filling the blank in line 6, section 2, with 'twenty-five:' the question on concurring with the committee of the whole in filling said blank with 'twenty-five,' was decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Ellis, McDonell, Moody, Stockton—4.

Nays—Messrs. Barry, Britain, Clarke, Davis, Hascall, Hough, Raynale—7.

Mr. Hough moved to fill the blank with 'fifteen;' Mr. Clarke with 'twenty;' Mr. Stockton with 'thirty;' and the question on so filling it was decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. Clarke, Ellis, McDonell, Moody, Stockton—5.

Nays—Messrs. Barry, Britain, Davis, Hascall, Hough, Raynale—6.

The question being then taken on filling the blank with 'twenty,' was carried.

And the bill was then ordered to be engrossed for third reading.

A message was received from the executive through the secretary of state, as follows:

*'To the senate—*

I have this day approved and filed in the office of the secretary of state the following acts:

'An act to enable the several counties of this state to locate by pre-emption certain public lands.'

'An act to provide for the election of delegates to a convention.'

STEVENS T. MASON.

July 25, 1836.'

A message was received from the house of representatives through their clerk, transmitting,

'A resolution to provide for the payment of the militia, for their services in supporting the supremacy of the laws of Michigan;' and returning to the senate without amendment, 'a resolution relative to the Detroit and St. Joseph railroad charter.'

Mr. Ellis, from the committee on enrolment, reported as correctly engrossed, the amendment to the bill from the house of representatives entitled 'a bill to legalize the classification of justices of the peace in certain cases.'

On motion of Mr. McDonell, leave of absence was granted to Mr. Clarke for the remainder of the session.

On motion of Mr. Ten Eyck, leave of absence was granted to Mr. Ten Eyck for the remainder of the session.

Mr. Moody asked leave of absence for Mr. Rumsey, from Saturday last, which was granted by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Clarke, Davis, McDonell, Moody, Raynale, Stockton—8.

Nays—Messrs. Ellis, Hascall, Hough—3.

The joint resolution from the house of representatives relative to the payment of the militia, having been taken up, was read a first time, and by consent of three-fourths a second time.

Mr. Clarke moved that the senate now adjourn, which was lost.

Mr. Ellis moved to lay the resolution on the table; which motion was lost.

And the resolution was then ordered to a third reading; and read a third time, and passed.

Mr. Hough submitted the following resolution:

*Resolved*, That when the senate adjourn, they do adjourn to meet at 8 o'clock to-morrow morning.

The resolution, on motion of Mr. Barry, was amended by striking out '8,' and inserting '9:' and the resolution as amended, was thereupon adopted.

And the senate then adjourned.

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TUESDAY, July 26, 1836.

The senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. Hascall, McDonell, Stockton; absent on leave, Messrs. Clark, Finch, Moody, Rumsey, Ten Eyck.

A quorum not being present, the sergeant-at-arms was sent for those members absent not on leave.

A quorum having convened, Mr. Davis moved a call of the senate, which being sustained, there was absent without leave, Mr. Stockton.

On motion of Mr. Hascall,

Leave of absence was granted to Mr. Stockton for to-day.

On motion of Mr. Britain,

*Resolved*, That Sheldon McKnight be requested to act as assistant secretary this day.

The bill from the house of representatives entitled 'a bill to amend an act entitled an act to amend an act to organize the supreme court, and to establish circuit courts,' having been read a first time, and by consent of three fourths a second time; Mr. McDonell moved to lay the bill on the table, which motion was lost by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Ellis, McDonell,—4.

Nays—Messrs. Comstock, Davis, Hascall, Hough, Ray-nale—5.

The bill, on motion of Mr. Hough, was then committed to committee of the whole.

A message from the house of representatives was received through their clerk, as follows:

‘Mr. President—

I herewith return to the senate, the bill entitled ‘a bill to provide for the election of township and county officers in certain cases and for other purposes,’—and am directed to inform the senate that the house have receded from the amendment to the above bill, which was non-concurred in by the senate:—I also return the amendment made by the senate to the bill entitled ‘a bill to legalize the classification of justices of the peace in certain cases,’ with a further amendment by the house:—I also herewith transmit a bill entitled ‘a bill to authorize the building a dam across the Flint river;’ and return to the senate, the bills entitled ‘a bill giving certain compensation to the jailer of the county of Monroe,’ and ‘a bill to legalize the election of register of deeds and treasurer of the county of Allegan, and for other purposes,’ without amendment; and also transmit a bill entitled ‘a bill to authorize the governor to negotiate a loan, and for other purposes,’ and ‘a resolution to suspend the 10th joint rule of the senate and house of representatives.

Mr, Ellis, from the committee on enrolment, reported as correctly engrossed, the amendment to the resolution from the house of representatives, relative to the publication of the laws.

The bill from the house of representatives entitled ‘a bill to authorize the building a dam across Flint river,’ was read a first time, and by consent of three-fourths a second time, and laid on the table.

The engrossed bill entitled ‘a bill supplementary and in addition to an act entitled an act making appropriations in part for the year 1836, and fixing the pay of officers and mem-

bers of the legislature, approved March 28, 1836,' being read a third time, the bill, on motion of Mr. Barry, seconded by a majority, was amended by striking out 'ten' before 'dollars' as compensation to the recording clerk of the house of representatives for extra services; and on motion of Mr. Hascall, seconded by a majority, the word 'ten' before 'dollars' as the compensation to the enrolling clerk of the senate for extra services, was struck out, and the word 'fifteen' inserted.

And the bill was then read a third time and passed.

The amendment made by the house of representatives, entitled 'a bill to legalize the classification of justices of the peace in certain cases,' having been taken up, was concurred in by the senate, by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Comstock, Davis, Hough, McDonell, Raynale,—7.

Nays—Messrs. Ellis, Hascall,—2.

Mr. Ellis from the committee on enrolment, reported as correctly engrossed, the bill entitled 'a bill supplementary and in addition to an act entitled an act making appropriations in part for the year 1836, and fixing the pay of officers and members of the legislature, approved March 28, 1836.'

The resolution from the house of representative relative to a suspension of the 10th joint rule, having been taken up, was non-concurred in by the senate, by yeas and nays as follows:

Yeas—Messrs. Hascall, McDonell,—2.

Nays—Messrs. Barry, Britain, Comstock, Davis, Ellis, Hough, Raynale,—7.

The bill from the house of representatives entitled 'a bill authorizing the governor to negotiate a loan for the state, and for other purposes,' was read a first time, and on motion of Mr. Barry, laid on the table.

A message from the executive was received through the secretary of state as follows:



*'To the senate:—*

I have this day approved and filed in the office of the secretary of state the following acts, viz:

'An act to authorize Anthony Duquindre to sell and convey certain lands.'

'An act to organize a certain township.'

'An act to amend an act entitled an act to establish a court of chancery and for other purposes.'

'An act to define the duties of superintendent of public instruction and for other purposes.'

STEVENS T. MASON.

July 26, 1836.'

Also a message on executive business.

The senate, on motion of Mr. Davis, then resolved itself into committee of the whole, Mr. Hough in the chair, on the bill from the house of representatives, entitled 'a bill to amend an act entitled "an act to amend an act to organize a supreme court and to establish circuit courts;"' and after some time spent thereon, the committee rose, and through their chairman, reported that the committee could not proceed for want of a quorum.

A quorum having convened,

The senate, on motion of Mr. Barry, went into consideration of executive business.

When the doors were opened.

The bill from the house of representatives, entitled 'a bill to authorize certain commissioners to alter a territorial road,' was, on motion of Mr. Comstock, ordered to a third reading, and thereupon read a third time and passed.

On motion of Mr. Hough,

*Ordered*, That the injunction of secrecy be taken from the executive journal up to this date.

A message was received from the house of representatives through their clerk, transmitting 'a resolution designating a time for the meeting of the two houses to receive a certain nomination from the Executive;' also informing the senate

that the house concurred in the amendment to the resolution to provide for the publication of the laws.

The resolution from the house of representatives designating a time for a meeting of both houses to receive and act upon a certain nomination from the executive, having been taken up, Mr. Hascall moved to lay the resolution on the table, which was lost.

Mr. McDonell moved to amend by striking out 'one,' before 'o'clock,' and insert 'three,' which was also lost; and the resolution was then concurred in by the senate by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Comstock, Davis, Hough—5.

Nays—Messrs. Ellis, Hascall, McDonell, Raynale—4.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, two bills entitled as follows: 'an act giving certain compensation to the jailer of the county of Monroe,' and 'an act to provide for the election of township and county officers in certain cases;' which bills were thereafter presented to the governor for his signature.

And the senate, on motion of Mr. Ellis, adjourned to one o'clock, P.M.

#### AFTERNOON SESSION.

One o'clock, P. M.

The senate met pursuant to adjournment.

The senate again went into committee of the whole, Mr Hough in the chair, on the bill from the house of representatives, entitled 'a bill to amend an act entitled 'an act to amend an act to organize a supreme court, and to establish circuit courts;' and after some time spent thereon, the committee rose, and through their chairman reported the same back to the senate without amendment.

The bill was then ordered to a third reading.

Whereupon, Mr. Ellis moved that the bill be now read a third time, which motion did not prevail, three-fourths not voting in favor thereof.

The senate, on motion of Mr. Britain, then again resolved itself into committee of the whole, Mr. Hough in the chair, on said bill; and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

A message was received from the house of representatives through their clerk, returning the bill entitled 'a bill supplementary and in addition to an act entitled 'an act making appropriations in part for the year 1836, and fixing the pay of officers and members of the legislature,' approved March 28, 1836,' with certain amendments, in which they asked the concurrence of the senate.

A committee was announced from the house of representatives, who informed the senate that the house were now ready to receive the senate, and that they had been appointed a committee to conduct the senate to the hall of the house of representatives.

The senate thereupon proceeded to the hall of the house of representatives.

When the senate returned to their chamber, the president announced that the two houses in joint convention had unanimously advised and consented to the appointment of John D. Pierce, to the office of superintendent of public instruction.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, the 'resolution relative to the Detroit and St. Joseph railroad company,' and the bill entitled 'an act to legalize the election of the register of deeds and treasurer in the county of Allegan and for other purposes,' which bill and resolution were thereafter this day presented to the governor for his signature.

The amendments made by the house of representatives to the bill entitled 'a bill supplementary and in addition to an act making appropriations, &c.' were severally concurred in by the senate, with the exception of the fourth of said amendments, and the last of said amendments was, on motion

of Mr. McDonell, amended by adding a clause making an appropriation not exceeding five thousand dollars for the expenses of the convention of delegates at Ann Arbor, in September next.

The senate then again went into committee of the whole, on the bill from the house of representatives entitled 'a bill to amend an act entitled 'an act to amend an act to organize a supreme court, and to establish circuit courts,' and after some time spent thereon, the committee rose, and through their chairman, reported the same back to the senate with amendments, in which they asked the concurrence of the senate.

The first amendment, being to strike out the first three sections of the bill, was non-concurred in by the senate by yeas and nays, as follows:

Yeas—Messrs. Barry, Britain, Comstock, Davis—4.

Nays—Messrs. Ellis, Hascall, Hough, McDonell, Raynolds—5.

The other amendments made in committee of the whole, were also severally non-concurred in.

And the bill was then ordered to a third reading; and by consent of three-fourths, read a third time and passed.

A message was received from the house of representatives, through their clerk, informing the senate that the house receded from their amendment, which was non-concurred in by the senate, and that they concurred in the amendment made by the senate to the amendment made by the house of representatives to the bill entitled 'a bill supplementary and in addition to 'an act making appropriations in part for the year 1836, and fixing the pay of officers and members of the legislature,' approved March 28th, 1836.'

Mr. McDonell moved that the senate take a recess for half an hour, which motion did not prevail.

On motion of Mr. Comstock, the report of the select committee on the subject of the Van Buren county seat, was taken up; whereupon,

Mr. McDonell moved that the further consideration of the report be postponed until the first day of the next session of the legislature:

Mr. Hascall moved that the senate resolve itself into committee of the whole on said report, which motion did not prevail.

The question recurring on the postponement, was decided in the affirmative, by yeas and nays, as follows:

Yeas—Messrs. Britain, Davis, Hough, McDonell, Raynole—5.

Nays—Messrs. Barry, Comstock, Ellis, Hascall—4.

A message was received from the executive, through the secretary of state, on executive business.

The senate thereupon went into the consideration of executive business; and the rule requiring the doors to be shut and the galleries cleared, was suspended, two-thirds voting in favor of the suspension.

After the executive session, the senate, on motion of Mr. McDonell, took a recess for half an hour.

When the senate convened,

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, the bill entitled 'an act supplementary and in addition to an act entitled 'an act making appropriation in part for the year 1836, and fixing the pay of officers and members,' approved March 28th, 1836,' which bill was thereupon presented to the governor for his signature.

On motion of Mr. Barry,

A committee of two was appointed to act in concert with such committee as might be appointed for that purpose on the part of the house of representatives, and wait upon the governor and inform him that the legislature was now ready to adjourn, and to ask him if he had any further communication to make to either house; and Messrs. Barry and McDonell were appointed the committee on the part of the senate.

A message was received from the Executive, through the secretary of state, as follows:

*'To the Senate:*

I have this day approved and filed in the office of the secretary of state the following acts viz:

'An act to provide for the election of township and county officers, and for other purposes.'

'A resolution providing for the printing of the laws in pamphlet form, and for other purposes.'

'An act to authorize the conveyance of certain lands.'

'An act to authorize commissioners to alter a territorial road.'

'An act to legalize the classification of justices of the peace in certain cases.'

'An act to legalize the elections of the register of deeds and treasurer of the county of Allegan, and for other purposes.'

'Resolution relative to the Detroit and St. Joseph railroad company.'

'An act giving certain compensation to the jailor of the county of Monroe.'

'A resolution to provide for the payment of the militia for their services in supporting the supremacy of the laws.'

'An act to amend an act entitled an act to amend an act to organize the supreme court and establish circuit courts.'

'An act supplementary and in addition to an act entitled 'an act making appropriations in part for the year one thousand eight hundred and thirty-six, and fixing the pay of the officers and members of the legislature,' approved the twenty-eighth of March, one thousand eight hundred and thirty-six.'

STEVENS T. MASON.

July 26, 1836.'

Mr. Barry, from the committee appointed to act in concert with a committee of the house of representatives and wait upon the governor, reported that they had performed the duty assigned them, and that the governor had informed them that he had no further communication to make to either house.

On motion of Mr. Britain,

*Resolved unanimously*, That the thanks of the senate be tendered to the Hon. Edward Mundy, president of the senate, for the fidelity, impartiality and ability with which he has presided over the deliberations of this body.

The president having resumed the chair and returned thanks to the senate for the vote just taken:

The president announced a communication from Hon. C. C. Hascall, tendering his resignation as a member of the senate, which was read, as follows :

“ Detroit, July 26th, 1836.

*To the President and members of the senate of the state of Michigan.*

*Gentlemen:—*

Having received an appointment from the general government, which requires my immediate attention, I therefore resign my seat in the senate.

With the highest respect for the members of that body,

I have the honor to be

Your most obedient and

humble servant,

CHARLES C. HASCALL.”

The senate, thereupon, on motion of Mr. Barry,

Adjourned, *sine die*.

JOHN J. ADAM,

*Secretary of the Senate.*

## ERRATA.

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- Page 7, line 6, for 'Lucus' read 'Lucius.'
- Page 21, line 7, for 'president' read 'present.'
- Page 33, line 23, for '15' read '10.'
- Page 45, line 24, for 'village' read 'township.'
- Page 47, line 15, for 'Britton' read 'Britain.'
- Page 52, line 24, for 'resolution' read 'bill.'
- Page 126, lines 11-12, for 'submitting' read 'substituting.'
- Page 128, last line, before 'order' insert 'in.'
- Page 137, lines 5 and 31, for 'resolution' read 'resolutions.'
- Page 141, 2d line from bottom, for 'bridge' read 'dam.'
- Page 142, last line, for 'report' read 'reported.'
- Page 147, line 5, for 'The bill' read 'The first of said bills.'
- Page 157, line 5, for 'enrolled' read 'engrossed.'
- Page 158, line 19, for 'said bill' read 'the same.'
- Page 158, line 23, for 'from' read 'of.'
- Page 164, line 4, for '5' read '6.'
- Page 174, line 14, for 'state' read 'the senate.'
- Page 183, line 20, for '5' read '6.'
- Page 193, line 4, in part of impression, for 'Parry' read 'Barry.'
- Page 193, line 5, for 'Barry' read 'Rumsey.'
- Page 195, line 1, for 'Barry' read 'Britain.'
- Page 199, line 11, for 'to' read 'by.'
- Page 201, line 22, after 'representatives' insert 'entitled "a bill for the construction of certain roads."'
- Page 202, lines 23 and 24, for 'submitted' read 'committed.'
- Page 213, line 25, for 'submitting' read 'substituting.'



# **ERRATA.**

Page 217, line 17, strike out 'several amendments being taken and lost,' and insert 'And.'

Page 224, line 11, for 'cngrossed' read 'enrolled.'

Page 232, between lines 24 and 25, insert, 'And the bill was ordered to be engrossed for third reading.'

Page 234, line 16, for 'and' read 'add.'

Page 265, line 26, after 'of' insert 'the legislature of.'

Page 325, line 9, for 'insure' read 'inure.'

Page 326, line 11, for '2d' read 'the 4th.'

Page 343, line 8, after 'extend,' strike out 'to.'

Page 344, line 13, before 'entitled,' insert 'to amend an act.'

Page 392, line 1, after 'act to' insert 'amend an act to.'

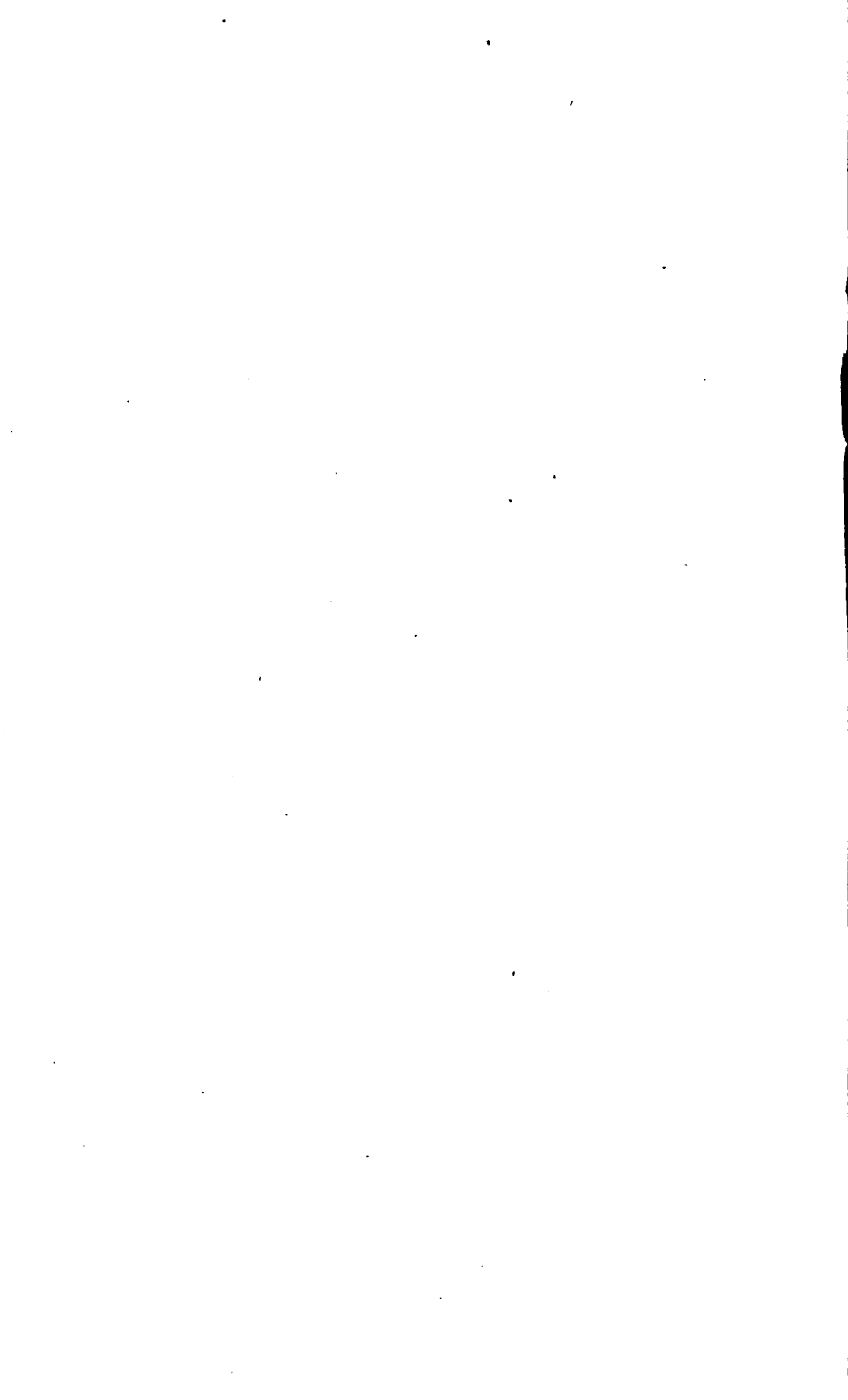
**INDEX**

**TO THE**

**SENATE JOURNAL**

**OF**

**1835-6.**



## ABBREVIATIONS,

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ad.	Adopted.
adj.	Adjourn.
am.	Amendment.
am'd	Amended.
am's	Amendments.
app.	Appointed.
appr.	Approved.
br't	Brought in, or bill brought in.
c. w.	Committee of the whole.
com.	Committee.
com, conf.	Committee of conference.
com. exp.	Committee on expenditures.
com. fin.	Committee on finance.
com. incorp.	Committee on incorporations.
com. ind. aff.	Committee on Indian affairs.
com. jud.	Committee on the judiciary.
com. liter.	Committee on literature.
com. manuf.	Committee on manufactures.
com. mil.	Committee on the militia.
com. r. & br.	Committee on roads and bridges.
com. st. aff.	Committee on state affairs.
com. t. & co.	Committee on towns and counties.
com'd	Committed to.
conc'd	Concurred in.
disc.	Discussed, or taken up for discussion.
engr.	To be engrossed for 3d reading.

# ABBREVIATIONS.

ent'd	Entered on journal.
gov.	Governor.
h. r.	House of Representatives.
indef.	Indefinitely.
j.	Joint.
ld.	Laid on the table.
leave,	Leave granted to bring in bill.
n. t.	Not taken up for consideration, on motion made to take up.
not.	Notice given of intention to ask leave to bring in bill.
ord.	Ordered.
pet.	Petition.
pres.	Presented.
qu.	Question.
recom'd	Recommitted to.
ref'd	Referred to.
rep.	Report.
res.	Resolution relative to.
ret'd	Returned.
sel.	Select.
sen.	Senate.
sp. o.	Made special order of the day for a future day.

# INDEX.

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## A

Absence, leave of, granted to Mr. Barry, 319.

Clark, 53 157 354 386.

Comstock, 41 187.

Davis, 41 175 360.

Ellis, 136 368.

Finch, 205 245 365.

Hough, 287.

Moody, 113 175.

Raynale, 113 287.

Rumsey, 161 349 386.

Stockton, 173 345 387.

Ten Eyck 172 173 197  
290 386.

, until organization of judicial department  
of the state, asked by Mr. Ellis, 133,  
withdrawn, 136.

, for three weeks, asked for by Mr. Has-  
call, 162, qu. on postp. 162, lost 167.

, for three weeks asked for Mr. Hough, 163,  
qu. on postp. 163, lost 167.

Absent members, sergeant-at-arms sent for, 113 134 138 176  
293 295 297 299 368 383 387.

, sergeant-at-arms, makes return as to, ld.  
190.

- Absent members, notice for amendment of rules of senate,  
as to power of senate over, 116.  
    , motion that secretary inform, of request  
    of senate to be present, lost, 116.  
    , or officers of senate, pay of, res. ld. 370.
- Accounts and expenditures, com. on, res. ld. 13, ad. am'd, 17,  
com. app. 18.
- Adjournment of legislature, res. ld. 41, disc., ref'd sel. com.  
    43, rep. bill, 45.  
    , bill to provide for an, br't, 45,  
    read 2ce. com'd c. w. 45, ord.  
    enr., 52, read 3d time, pass-  
    ed, 54; passed h. r. 56.  
    , res. from. h. r. 47.  
    , to meet pursuant to law, 60.  
    , res. joint com. on, am'd 110,  
    com. on part of sen. app. 110;  
    non-con'd by h. r., 111.  
    , res. ld., 203, disc. 210, ad., 211;  
    ret'd am'd by h. r. 222; am.  
    conc'd, 224.  
    , *sine die*, 303 396.  
    , res. ad., 331.  
    , res. 350, am'd ld. 360, disc. 368,  
    ad. 369; am'd by h. r.; am.  
    conc'd 377.  
    , senate, daily, to what hour fixed, 96 186,  
    205 367.
- Adrian, bill to incorporate the village of, from h. r., 235; read  
    2ce, com'd c. w. 235, c. w. am'd, read 3d time, passed, 242.
- Afternoon session, res's 31 117 129.
- Agriculture, committee on, 89.
- Allegan, petition of citizens of, pres. ref'd com. r. & br. 95,  
    rep. bill, 109, (see 'road, state, from Paw-  
    paw mills to falls of Grand river.')

**Allegan county**, bill to organize certain townships in, not.  
101, leave 103, bill br't in, 107, read 1st  
& 2d times, ord. engr. 107, read 3d time,  
passed, 110.

county, bill to amend act to organize, not. 120.

bill to legalize election of certain officers in,  
leave, 376, br't read 2 ce. ord. engr. 378,  
read 3d time, passed, 380 ; passed h. r.  
388.

**Appeal from decision of chair**, 113.

**Appropriations**, bill making, for 1835, br't, 43, read 2ce.  
com'd c. w. 43, c. w. ord. engr. 50, read  
3d time, &c. 51, com'd com. on exp. 52,  
rep'd with am's, am's conc'd, passed 54;  
conc'd by h. r. 56.

, bill making, in part for 1836, br't, read 2 ce.  
ld. pr. 208, c.w., am'd, ord. engr. 213, read  
3d time, passed, &c. 215; ret'd from h. r.  
with am's; am's conc'd 249.

, bill making, for 1836, br't. read 2ce. ld. pr.  
265, c. w. 282 283, am'd, ord. engr. 283,  
dics., com'd com. fin. 288, rep., am'd, read  
3d time, passed, 289; ret'd from h. r. with  
am's, 290; am's conc'd 294.

, bill supplementary to act making, in part for  
1836, br't, read 2 ce, ld. pr. 371, c. w.,  
am'd, ord. engr. 385, read 3d time, am'd,  
passed, 389 ; ret'd from h. r. with am's,  
392; am's part conc'd 392, am'd, 393; h. r.  
recede from am. non-conc'd by sen., and  
concur in am. by sen. 393.

**Arcadia**, changing the name of township of, res. ad., ref'd  
com. t. & co.  
123, rep. bill,  
139.



**Arcadia**, changing the name of township of, bill, read 1st time, ld. 139,  
2d time, ord.  
enr. 148,  
read 3d time,  
passed, 152,  
title am'd 153  
passed h. r.  
165.

**Attorney general**, and prosecuting attorneys, bill concerning,  
from h. r. 277 ; c. w., read 3d time,  
com'd com. jud. 280, rep., am'd, passed,  
281.

**Auctioneers**, bill to amend act to prescribe tenure of office of,  
&c. from h. r. 290; read 2ce, com'd c. w. 270,  
c. w., am'd, read 3d time, passed, 279.

**Auditor**, communication from; ref'd com. of ways and means,  
48, rep'd back, 51.

**Auditor-general**, communication from; ref'd com. of ways  
and means, 194, rep'd back 227.  
, directed to cause certain documents to be  
published by publishers of the laws, 287.

**Auditor general and treasurer**, bill defining duties of, 100, pr.  
100, am'd, re-com'd com.  
fin. 101, rep. back with am's,  
102, further am'd, ord. enr.  
103, read 3d time, passed,  
110; conc'd by h. r. 120.  
, directed to report, 39 186,  
(see 'auditor, &c.' and 'treas-  
urer, &c.')

## B

**Bagg, John S., and L. L. Morse**, appointed printers to the  
senate, 90.

- Bank Commissioner, nomination for, received in joint assembly, 297, postp. 297 : received 301, considered by both houses, and Rob. McLelland, appointed, 301.
- Bank, state, and branches, res. 133, com. fin. 133.  
     at Bertrand, bill to incorporate, not. 120, leave 123, br't, read twice, com'd com. incorp. 127.
- Bank at Toledo, bill to incorporate, not. 149.  
     at Havre, bill to incorporate, not. 149, leave 198, br't, read twice, ld. pr. 200.
- Manhattan, bill to incorporate, not. 149, leave 152,  
 Manhattan, bill to incorporate, br't, read twice, ld. pr. 159, n. t. 189.  
     , from h.r.; read 2 ce. com'd  
     c. w. 250, c. w. 253, read  
     3d time, ld. 254, passed,  
     255.
- of Clinton, bill to incorporate, from h. r.; read 2 ce. ld. 219, c. w., am'd, ld. 241, disc. 267, am'd, read 3d time, passed, 268.
- of St. Clair, bill to incorporate, from h. r.; ld. 227, read 1st time, 280, 2d time, com'd c. w. 285, ref'd sel. com., rep. 289, read 3d time, 290, lost 201, vote reconsidered, bill passed, 292.
- , Calhoun county, bill to incorporate, from h. r.; ld. 227, read 1st time, 280, 2d time, com'd c. w. 285, ref'd sel. com., rep. 289, read 3d time, passed, 291.
- , Oakland county, bill to incorporate, from h. r.; read 2 ce. com'd c. w. 250, com'd com. incorp. 266, rep., am'd, 273, com'd c. w. 274, ref'd sel. com. 289, rep. 290, read 3d time, lost, 292, vote reconsidered, passed, 292.

Bank, at New Buffalo, res.' ref'd com. incorp. 263.

, bill to incorporate, not. 263, [leave,  
br't, read 2ce.  
com'd c.w. 271.  
, not. 328.

of Ypsilanti, bill to incorporate, from h. r. 269; read  
2ce. com'd c. w, 270, ref'd sel. com, 289, rep. 290,  
read 3d time, passed, 292.

of Washtenaw, j. res. ad. by sen. 272; am'd by h. r.  
283; ld. 284, 297, non-conc'd 298.

of the River Huron, bill to incorporate, not. 320,

at Jacksonburg, bill to incorporate, not. 320,

of Saginaw, bill to incorporate, not. 328,

at Grand river falls, bill to incorporate, not. 340.

of Constantine, bill to incorporate, from h. r. 370; read  
1st time, ld. 370, read 2d and 3d times, passed 373.

Bar, gentlemen invited to take seat within, 7.

Biddle, John, communication from, 12, (Doc. No. 1.)

, nominated by senate, for senator to the con-  
gress of the U. S., 36.

, and others, petition of, for wool and silk grow-  
ing and manufacturing company, ld. 317, ref'd  
com. manuf., 319, rep. ld., 326.

, in behalf of Detroit and St. Joseph railroad  
co., pet. of; ref'd com. jud., 370, rep. 371.  
(See railroad co., Detroit and St. Joseph, &c.)

Bills after first reading, to be laid on tables of members of sen.  
and h. r. 97.

and resolutions of a general nature; res. ld., 173.

Black river steam mill company, bill, to amend an act to in-  
corporate, not. 201, leave, 207, br't in, read 2ce, ord. engr.  
208, ld., 213, read 3d time, am'd, lost, 221.

Boundary, southern, expenses incurred in controversy with  
Ohio respecting, res., 39 44 54, res.  
from h. r., 58.

- Boundary, southern, declaratory act in regard to, res. j. com. from h. r. 96; conc'd, sen. com. 96; rep. bill, 98, (See Indiana.)**
- Branch county, bill to provide for review of seat of justice of, from h. r., 188; read 2ce, com'd com. jud., 188, rep., 200, c. w. 209, (not. bill to amend, 209,) read 3d time, passed with am. 209.**
- Bridge over Clinton river, res. ref'd com. r. and br., 321. over St. Joseph river, res. ref'd com. int. impr., 321, ref'd com. r. and br. 328, rep. 339. over Huron river, res. ref'd com. r. and br. 330, rep. 339.**
- St. Joseph river, in Berrien and St. Joseph counties, and the Kalamazoo, in Calhoun co., bill to, not. 343,**
- Brown, Lewis, bill to authorize gov. to employ counsel in the case of, from h. r., 132; read twice, ref'd com. jud. 133, rep. 138, read 3d time, passed, 139.**

C

- Call of the senate, 113, 134, 138, 176, 246, 249, 264, 279, 289, 290, 292, 294, 295, 297, 299, 366, 367, 372, 383, 387. , not sustained, 133.**
- Calls of the senate, res. ld. 149, am. ad. 159.**
- Camburn, William, and others, of Lenawee county, pet. of; ref'd com. incorp. 173, rep. 178.**
- Canal or railroad company, Constantine and Niles, bill to incorporate, not. 140, leave, 149; bill from h. r.; read twice, com'd c. w. 179, c. w. 189, 206, and read 3d time, passed, 207.**
- Canal, from Huron river to Truax's, bill to charter company 144, leave 174, rep. bill, 178 (see 'Huron canal &c.')**

Canvassers, state, bill to create a board of, &c., br't, read 2ce. ld. 228, ord. engr. 231, read 3d time, passed, 238, passed h. r. 252.

Capital punishment, res. com. on abolishing, ad. 97, com. app. 97.

Capitol, res. j. com. on repair of roof of, ld. 34, ad. am. 41, sen. com. 41, h. r. informed of, 41, conc'd by h. r. 43: during vacation, placed under charge of j. com. of ways and means, 52, 297, conc'd by h. r. 56, 298.

Cass county, pet. of citizens of Porter township in; ref'd com. t. & co. 181.

Chancery, bill to establish court of, from h. r.; read 2ce. com'd com. jud. 235, rep., sp. o. 237, c. w. 247, 249, am'd 249, read 3d time, passed 250, vote reconsidered, recom'd com. jud. 353, rep., am'd, passed, 256.

, bill to amend act to establish a court of, from h. r. 370; read 2 ce. com'd c. w. 370, c. w. 376, read 3d time, passed, 377.

Church, Calvary, Adrian, Lenawee county, bill to legalize proceedings of, from h. r. 269; read 2ce. com'd c. w. 270, am'd, ord. to 3d reading, 275, read 3d time, passed, 276.

Claims, committee on, 88.

, certain presented; ref'd com. on ways and means, 244 261, rep. bill, 265, ('Appropriations, &c. for 1836.)

, certain presented; ref'd com. on ways and means, 365, rep. bill, 371.

, certain, for supporting supremacy of the laws of Michigan, res., read 1st time, 380.

Clerk, enrolling and engrossing, of senate, Silas D. McKeen and D. K. Brown nominated for, 15, Silas D. McKeen elected, 15.

, enrolling and engrossing, of senate, authorized to employ assistant, 250.

, recording, of senate, Edward A. King, nominated for, 15, elected, 15.

Clerk, recording, of senate, secretary authorized to employ some person to act as, 317.

Coleman, Daniel, and others, pet. of, pres.; ref'd com. jud. 100, rep. bill, (see 'dam across Grand river, bill to authorize building.')

Commissioners for certain purposes, res. from h. r. 345.

Committees, standing, of the senate, 88.

, com. on state affairs, added to, 90.

, com. on printing, added to, 95.

, directed to report amount of business before them, 204, rep., ld. 208.

, of last session, continued, 317.

Convention, bill to provide for the election of delegates to a, br't, read 2 ce., ld. pr. 326, c. w. 332 334, disc. 334-7, com'd com. jud. 337, rep. 339, am'd, c. w. 340, am'd sp. o. 341, c. w. 343, disc. 344, c. w. 347 348, am'd 348, ord. engr. 349, read 3d time 349, am'd, passed, 350 ; ret'd from h. r. with am's; am's part conc'd, ld. 353, part non-conc'd 355; com. conf. h. r., & sen. 368 ; h. r. recede from am. non-conc'd by sen. 379.

Cook, Levi, elected state treasurer, 144 ; secretary to inform of election, 144.

, communication from declining to accept office of treasurer, ld. 158.

Costs and fees, bill to amend act concerning, not. 343, leave, br't, read twice, ld. pr. 347, com'd com. jud. 357, rep. substitute, 362, (see Monroe, bill giving certain compensation to the jailor of the county of.)

Counties, bill for the organization of certain, from h. r. 188 ; read twice, ref'd com. t. & co. 188, rep., disc., ld. 223, read 3d time, passed, 232.

**Counties, bill to authorize supervisors of certain, to borrow money, from h. r. 200; read twice, sp. o. 200, c. w. 209, am'd, read third time, passed, 209, vote reconsidered, 211, passed, 211; am's part conc'd by h. r.; com. conf. sen. 217, rep. 219, sen. recede from am. 220.**

**County treasurer, bill for better regulation of office of, not. 220, leave 224, br't, read 1st time, ld. pr. 224, c. w., am'd, ord. engr. 254, read 3d time, passed, 264; ret'd from h. r. with am's, 274; conc'd 274.**

**seats, bill to provide for establishing, not. 35, leave, 41, br't, read 1st time, 51, n. t. 55, read 2d time, com'd c. w. 94, c. w. 96, pr. 96, ld. sp. o. 97, c. w. 105 111, am'd, ord. engr. 111, read 3d time, am'd, passed, 115; passed h. r. with am. 153; am. conc'd 154.**

**seats, bill to amend bill for establishing, not. 210, leave 212.**

**County commissioners and collector, j. res. sp. o. 167, ld. 165.**

**Court, supreme, bill to organize the, and to establish circuit courts; br't, read twice, 148, sp. o. 144, c. w. 154, 156, recom'd com. jud. 156, rep. with am's, ld. pr. 166, c. w. 175, 177, ord. engr. 181, read 3d time, am'd, passed, 183; ret'd from h. r. with am's; conc'd 252.**

**, bill to amend an act to organize the, from h. r. 326; read 2ce, com'd com. jud. 329, rep. am'd, read 3d time, recom'd com. jud. 330, rep., bill passed, 332.**

**, bill to amend an act entitled an act to amend an act to organize the supreme, and establish circuit courts, from h. r. 382; read 2ce, 387, ord. to 3d reading, 388, c. w. 390, 391, 392, 393, read 3d time, passed, 393.**

- Cousino, Francis, bill to enable, to execute a deed, from h. r. 353; read 2ce, com'd. com. jud. 358, rep., am'd, 361, read 8d time, passed, 365.
- Credentials of members, res. 3, com. to examine; rep., ad. 4.
- Crowell, Daniel S., and others, pet. of; ref'd com. t. and co. 166.

## D

Daily order of business, 91.

, rule concerning, suspended, 253.

Dam across Grand river, res. ld. 99.

, bill to authorize building, read 1st time, ld. 101, read 2d time, 111, am'd, ord. engr. 112, ld. 112, read 3d time, passed, title am'd, 124.

, from h. r. 121; read 1st time, 123, 2d time, sp. o. 141, c. w. 146, read 3d time, passed. 147, 153.

Dam in the Kalamazoo river, bill to authorize, from h. r. 124; read twice, ref'd com. int. impr. 139, ld. pr. 140, disc. 148, ld. 149, ref'd com. int. impr. with h. r. bill, 188.

across St. Joseph river at Bertrand, bill to authorize John M. Barbour and others to build, from h. r. 124; read 1st time, 131, 2d time, sp. o. 142, c. w. 146, am'd, ord. to 3d reading, 147, read 3d time, am'd 153, passed, 154.

across Flint river, bill to authorize, br't, read twice, ld. 195.

across Flint river, bill to authorize, from h. r. 368; read 2ce. ld. 388.

in Grand river, bill to authorize, br't, read 2ce. ord. engr. 219, read 3d time, lost; vote reconsidered, com'd com. int. impr. 225, rep., am'd, passed, 252; ref'd from h. r. with am's, 270; am's non-conc'd 272; com. conf. sen. 281, and h. r. 293, rep.; am's from h. r. conc'd 289.



Dam across the Clinton river, bill to authorize H. Stevens and others] to construct, not. 380, leave, 343, com. app. 363.

across the Grand river, near the mouth of Maple river, bill to authorize, leave not granted, 362; not. 363, leave, br't, 371, read 1st time, 372.

Dams across certain rivers, bill to authorize building, from h. r. 188; read twice, ref'd com. int. impr. 188, rep. with am's, ord. engr. 191, read 3d time, am'd, recom'd com. int. impr. 194, rep. 195, bill passed, 195, title am'd 195.

across the river Raisin, bill to authorize building certain, from h. r.; read twice, ld. 288.

Davis, Phineas, and others, of Black river steam-mill company, pet. of; ref'd com. incorp. 126, rep. 178.

Deeds and other conveyances of land, bill concerning records of, from h. r. 200; read twice, sp. o. 200, ld. 210, c. w., read 3d time, passed, 227.

Deposites of public moneys, resolution directing the, ld. pr. 114, disc., ref'd com. jud. 121, ref'd com. fin. 123, rep. 126, ad. 127; conc'd by h. r. 135.

money, act of congress to regulate, with message from gov., ref'd com. fin. 318, rep. bill, 319.

, bill empowering treasurer of the state to receive from the secretary of the treasury of the U. S., br't, read 1st time, ld. pr. 319, c. w., am'd, ord. engr. 331, read 3d time, passed, 337; passed h. r. 353.

Dequindre, Anthony, bill to authorize, to sell and convey certain lands, from h. r., 377; read 2ce, com'd com. jud., 378, rep., bill read 3d time, passed, 384.

Detroit, pet. of citizens of, for extension of limits of city;  
referred com. incorp., 162, rep. bill, 219.

, bill to extend the limits of the city of, br't, read 2ce  
ld.'pr. 219, am'd 231, ord. engr., 232, read 3d time,  
am'd, passed, 238; passed h. r., 258.

house carpenters' and joiners' mutual benefit society,  
bill to incorporate, not. 229, leave 237, br't  
read 2ce, com'd c. w., 237, c. w., am'd, ord. engr.  
276, read 3d time, passed, 294.

young men's society, bill to incorporate, from h. r.;  
read 2ce, com'd c. w. 236, c. w., read 3d time,  
passed, 255. C

District, senatorial, members from first, 4, second, 4, third, 4,  
fourth, 4, fifth 4.

Door-keeper, pro. tem., res., 3, Geo. W. Dexter appointed, 3.  
, of senate, Diodate Hubbard, nominated for, 15,  
elected, 16.

, John Bronson, nominated for, 15.

Dower, bill to regulate, not. 346.

Doyle, Patrick, pet. of; ref'd com. jud. 116, bill, 138.

, bill to change the name of, 138, br't, read 2ce,  
ord. engr., 139, read 3d time, passed, &c.  
146; passed h. r. 155.

Durocher, Laurent, communication from, resigning his seat;  
ent'd, 346.

## E

Election of gov., lt. gov., members of legislature, represent-  
ative to congress; res, ref'd com. jud. 109, rep. bill, 228  
(see 'Canvassers, state, &c.)

Elections, committee on, 89.

, matters ref'd to, 320 338 348.

, report, 332 341 351.

, bill to provide for holding, from h. r. 347; read  
2ce, com'd com. on elections, 348, rep., am'd,  
com'd c. w. 351, c. w. 358, ord. to 3d reading,  
350, read 3d time, passed, 365.

Electors of president and vice-president, com. on election of,  
95, rep. bill, 166.

, bill to provide for election of; brt, read twice, ld. pr. 166, sp. o. 180, c.w. re-com'd sel.com. 187, rep. am'd, pr. 190, c.w. am'd, ord. engr. 199, read 3d t., &c., passed, 201 ; passed h. r. 247.

Enrolled bills, committee on, 68.

, rep. bills, &c., correctly engr.,  
103 113 115 116 119 126 127  
131 138 141 153 154 157 159  
162 172 184 190 199 203 204  
207 209 211 217 221 235 241  
243 244 246 251 256 262 264  
267 268 274 278 284 328 332  
339 343 350 360 361 365 371  
375 378 383 384 386 388 389.

, rep. bills, &c., correctly enrld.,  
126 141 147 154 164 169 182  
203 224 229 262 273 276 279  
283 286 295 298 299 340 354  
356 376 378 384 391 392 394.

Executive journal, injunction of secrecy taken from, 303 353  
378, 390.

sessions, 47 49 52 145 150 154 271 288 298 344  
370 375 382 390 394.

, notice for amendment of rules, as to, 149,  
am. lost, 157.

Expenditures, committee on, 68.

, additional member appointed on,  
159.

Expiring laws, committee on, 89.

F

Fay, Jonathan P., late member of h. r., funeral of, res. from h. r.  
205; conc'd  
with am's,  
205 ; am's  
part conc'd  
by h. r. 206,  
res. ad. 206.

Finance, committee on, 88.

, matters ref'd to, 94 101 108 117 123  
133 288 319 339.  
, report, 100 102 114 116 128 208  
211 273 288 319 345 349 371.

Fiscal agent, bill to authorize certain moneys to be paid to,  
from h. r. 49 ; read 1st & 2d times, ref'd sel.  
com. 52, rep. substitute; ad. 54, (see 'treasu-  
ry.')

, j. res. authorizing certain moneys to be paid to,  
58, ad. 58; conc'd by h. r. 59.  
, moneys in hands of, &c., res. ad. 194; rep. on,  
ref'd com. fin. 211, rep. back, 228.

Franklin steam-mill company, bill to incorporate the, leave,  
279 280.

G

Genesee, bill to organize county of, not. 94, leave 112, br't,  
read twice, ref'd com. t. & co. 112, rep. with  
am's, am'd, ord, engr. 120, read 3d time, passed,  
124 ; passed h. r. with am's 175 ; am's conc'd,  
176.

county, pet. of citizens of, for organization of town-  
ship ; ref'd com. t. & co. 142, rep. bill,  
151.

**Genesee county, bill to organize a township in, br't, read twice, ord. engr. 151, read 3d time, passed, 155; passed h. r. 164.**

, pet. of citizens of, for bank; ref'd com. in corp. 345, rep. 345.

**Governor and Lieutenant governor, votes for; res. ld. 5, disc. 5, ad. am. 5; sent to h. r. 6, conc'd 6.**

, who elected, 6, j. com. to inform of election, 7, ret'd, 7.

, abstract of votes for, ent'd, 12, (doc. No. 2.)

**Governor's inaugural address, 7—11.**

message to both houses, at adjourned session, 62—88, pr. 88, res. referring to com's, ld, 89, ad. am. 93, res. referring a part of to sel. com., ad., 95; res. transmitting copies of, ad. 114; conc'd by h. r., 120.

message to both houses, at special session 306—316; pr, 317, ref'd com. 317.

**Governor, message from, approving bills, &c. 33 35 54 58 60 122 132 135 145 151 161 168 173 177 186 205 211 227 231 250 256 263 268 276 281 285 293 296 300 302 344 364 375 382 386 390 395.**

, j. com. to wait upon and inform, that both houses were ready to adjourn, 60 394; sen. com. rep. 60, 395.

, j. com. to wait upon and inform, that both houses were organized, 61, conc'd by h. r. 62, sen. com. rep. 62.

, j. com. to wait upon and inform, that both houses were ready to receive message, 62.

, com. to wait upon, to inquire if he had any further communication to make, 300 302, rep., 302.

- Governor, senate, bills, &c., presented to, 130 144 163  
 171 182 204 224 230 265 276 279 286 295  
 298 343 354 376 378 384 391 392.  
 , messages from, on executive business, 44 145  
 269 296 301 344 364 375 390 394.  
 , message from, transmitting preamble and resolu-  
 tions of legislature of the  
 state of Mississippi, 265.  
 , transmitting the act of congress  
 supplementary to the act for  
 the admission of Michigan,  
 318.  
 , returning without approval, the  
 bill to incorporate the St. Clair  
 and Grand river railroad co.,  
 318, ld. 418, ent'd on journal, 321  
 , transmitting act of congress  
 relative to deposits of public  
 money, 318.  
 , relative to Van Buren county  
 seat, 328, and transmitting act  
 of congress granting certain  
 pre-emption right to 1-4 sec-  
 tion of land, 329.  
 Griswold, John, petition of, for branch of U. S. bank; ld., 262.

## II

- Hascall, Charles C., communication from, resigning his seat,  
 as a member of the senate, 396.  
 Highways, bill to amend an act to regulate, from h. r. 353;  
 read twice, com'd com. r. & br., 357, rep. 361.  
 Hoar, Benjamin B., bill to authorize, to alter his name, from  
 h. r. 124; read twice, 131, read 3d time, passed, 136, vote  
 on title reconsidered 145, am'd 145.  
 House of representatives, com. from, to conduct senate to  
 hall of h. r., 6 37 62 143 168  
 297 299 392.

- House of representatives, com. from, to join com. of sen. and inf. gov. that both houses were ready to adjourn, 59, sen. com. 60.  
 , com. from to inform sen. that h. r. is organized, 61 305.  
 , com. from, to join com. of sen. and inform gov. that both houses of the legislature were organized, 306; sen. com. 306; rep. 306.
- Howard, Henry, elected state treasurer, 169; secretary to inform of election, 169.
- Huron canal and manufacturing company, bill to incorporate, br't, read twice, com'd com. incorp. 178, rep., ld. pr. 181; c. w., am'd 245, disc., ld. 246, am'd, ord. engr. 255, am'd, read 3d time, 259, lost, 260, vote reconsidered, bill recom'd sel. com. 263, rep., am. ad., passed, 264; passed h. r. 270.

## I

- Imprisonment for debt, not. bill to abolish, 53, leave 106, bill br't. in, read 1st time, ld. 107.  
 , res. ld. 97 99.
- Incorporations, committee on, 88.  
 , matters referred to, 101 112  
 122 126 127 178 263 265 345.  
 , report, 102 158 178 181 208  
 210 275 345.
- Indian affairs, committee on, 89.  
 , matters referred to, 121.  
 , report, 285.
- Indiana, bill providing for adjudication of the question of boundary between Michigan and, 98, read 1st time, ld. 98, read 2d time, ld. 101.  
 , bill providing for adjudication of the question of boundary between Michigan and, from h. r. 112

- read 2ce, c. w. sp. o. 114, c. w. 119, passed with  
am. 119; am.conc'd. by h. r. 120.
- Ingersoll, E., pet. of, for authority to build dam; ref'd com.  
int. impr. 158, rep. bill, 219.
- Ingham county, pet. relative to county seat of, ld. 17.  
, pet. of citizens of, for revision of location of  
county seat; ref'd sel. com. 331, rep. 342.
- Insolvent law, res., ref'd com. jud. 171.
- Internal improvements, committee on, 88.  
, additional member  
added to, 105.  
, matters referred to,  
104 108 109 188 194  
225 321 362.  
, report, 139 142 174  
195 208 252 328 365.  
by the state, res. ad. ref'd com. st.  
aff. 339.

**J**

- Jackson county, subdivision of, into townships, bill for, not.  
40 95.  
, bill to authorize loan for building court-honse  
and gaol in, not. 94.
- Jewett, George W., and others, pet.of, for certain state roads;  
ref'd sel. com. 251, rep. bill, 272.
- Joint assembly, meeting of both houses in, to canvass votes for  
Gov. & Lt. Gov.  
6.  
, to compare nomin-  
ations for U. S.  
Senators, 37 ;  
proceedings en-  
t'd, 38.  
, to receive message  
from gov. 62.



- Joint assembly, meeting of both houses in, to elect state treasurer, 143 168; proceedings ent'd, 169.
- , res., to receive nomination from gov. for bank commissioner, from h. r. 296 299.
- , res., conc'd, 296 292.
- , to receive nomination for bank commissioner, 297.
- , to receive nomination for superintendent of public instruction, res. from h. r. 390; conc'd, 391.
- Joint rules, j. com. to draft, res. ad. 31, sen. com. 31; conc'd by h. r. 34; rep. 42, am'd, ad., 42; sent to h. r. 42, ret'd with am's, am's conc'd 55.
- Journal, daily, to be furnished to publisher of Free Press, 17, 317.
- Journals and documents of both houses, j. res. ad. 57; conc'd by h. r. 58.
- Judges of supreme court, invited to take seat within bar, 7.
- Judicial department, organization of, res. ld. 104.  
res. ld. 128, not. ad. 134.
- Judiciary, committee on the, 88.  
, additional member appointed on the, 319.

- Judiciary, committee on the, matters referred to, 100 102 109  
 113 116 183 143 154 171 188  
 189 253 280 318 320 321 329  
 330 337 345 348 357 358 360  
 370 372 378.  
 , report, 102 143 158 166 171 199  
 200 208 228 237 255 281 319  
 330 331 332 339 346 351 354  
 361 371 379 383 384.
- Justices of the peace, bill to legalize classification of, in cer-  
 tain cases, from h. r. 363; read twice, com'd com. jud.  
 372. rep., am'd, 383, read 3d time, passed, 384; further  
 am'd by h. r. 388; am. conc'd, 389.

## L

- Lands, public, memorial to congress, asking donation of, res.  
 from h. r. 99; ld. in sen. 99.
- , bill to authorize gov. to locate certain, and select cer-  
 tain salt springs, br't, read 2ce, ld. pr. 349, com'd c.  
 w. 354, c. w. 358, am'd, ord. engr. 359, read 3d time,  
 passed, 364; passed h. r. 370.
- , bill to authorize appointment of commissioners to lo-  
 cate certain, from h. r. 363: ld. 372.
- , bill to authorize boards of supervisors and commis-  
 sioners of high ways to tax certain, from h. r. 363;  
 read 2ce, com'd c. w. 372, c. w. 376, bill lost, 377.
- , bill to authorize certain persons to convey, from h. r.  
 386; read 2ce, com'd c. w. 369, c. w. 369, read 3d  
 time, passed, 370.
- , bill to authorize the conveyance of certain, from h. r.  
 381.
- Laws , j. com. to revise, res. from h. r. 45, 47; n. t. 52, non-  
 conc'd by sen. 53.
- , bill for preparing code of, from h. r. 138; read twice,  
 sp. o. 158, c. w. 161, read 3d time, passed with am's,  
 161; am's partly conc'd by h. r. 175; sen. recede from  
 am. 176.

Laws, of first session, j. res. 57; conc'd by h. r. 58.

, appointment of commissioners to draw up code of, res. ld. 112, sp. o. 150, indef. postp. 161.

, resolution directing publication of, read 1st time, ld. pr. 134, read 2d time, ord. engr. 142, disc. 146, passed, 146; ret'd from h. r. with am's, 188; am's part non-conc'd, 189; com. conf. h. r. and sen. 192; rep. am's conc'd, 193.

, publication of, res. from h. r. 379; read 2ce, com'd com. on printing, 380, rep. substitute, ld. 383, am'd, read 3d time, passed, 385; am. conc'd by h. r. 391.

Lenawee county, bill to organize townships in, not. 109.

, bill to vacate present seat of justice of the county of, from h. r. 177; read twice, com'd c. w. 179, com'd com. jud. 189, rep. 199, sp. o. 206, c. w. 210, 213, am. lost, 215, disc. 215, am's lost, 217, bill read 3d time, passed, 217.

Librarian, bill repealing act for appointment of, br't, read 2ce, ord. engr. 232, read 3d time, passed, 238; passed h. r. 258.

Library, message from h. r. relative to j. com. on, 20; conc'd 22; sen. com. 22.

Lieutenant governor, com. to conduct to chair, as president of sen., 11.

Light-houses, memorializing congress for appropriations for, at certain points, res. ad. am'd; ref'd com. int. impr. 108, rep. 142, ld. 143, ad. 150.

Literature, committee on, 88.

, matters referred to, 141 158 178.

, report, 162 166 192 203 228.

Loan, bill to authorize executive to make a, not. 32, leave, 41, br't 42, read 2ce, com'd to c. w., pr. 42, c. w. 44, ord. engr. 44, read 3d time, passed 48; conc'd by h. r., 50.

bill to authorize a certain, br't, 57, read 1st, 2d & 3d times, passed, 57; conc'd by h. r. 57.

, state, message from gov. with rep. in relation to, 108, ref'd com. fin. 108, rep. ent'd, 227.

Loan, bill to authorize gov. to negotiate a, from h. r. 388,  
read 1st time, ld. 389.

Lyon, Lucius, invited to take seat within bar, 7.

, nominated by senate, for senator in the con-  
gress of the U. S., 36; by h. r. 37; declared  
elected, 37.

## M

Madison, James, late ex pres. of U. S., members to wear  
crape on left arm in respect to memory of, 342.

Mails daily, on certain routes, memorializing P. M. Gen. to  
establish; j. res. from h. r.,  
165; ld. 165, ad. 172.

, for memorial to P. M. Gen.  
to establish; j. res. 170 172.

, j. res. instructing senators  
and representative to ob-  
tain from P. M. Gen., ad.  
by sen. 272.

Manual, containing rules of sen., h. r. &c., res. ld. 39, res.  
90, ref'd select com. 91, rep. res., 93, ad. 94.

Manufactures, committee on, 89.

, matters referred to, 168, 319.

, report, 326.

Map of Michigan, Farmer's. j. res., from h. r. 98; am'd by  
sen. and ad. 99; am. conc'd by h. r. 105.

Maps for senate chamber, secretary to procure certain, 174.

Marshall, bill to incorporate village of, from h. r., 253; read  
2ce, com'd c. w.; am'd, ord. to 3d reading, read 3d time,  
passed, 266.

McKnight, Sheldon, appointed printer to the senate, 32.

, requested to act as assistant secy., 367.

McVay, Hugh, and others, pet. of; ref'd com. t. and co.,  
138.

Meeting of legislature, first session, 3.

, adjourned session, 61.

Meeting of legislature, special session, 305.

Members of legislature, bill fixing pay of, from h. r., 42; read 1st time, pr. 42, c. w., 44, ref'd sel. com., 44, rep., ad. 45, disc. 46 49, lost 49, vote reconsidered, 50, passed with am's, 50; ams. concurred in by h. r., 50.

senate, appear and take their seats, 4 61 95 97  
100 305 317 319 326 342.

Memorial to congress, to accompany constitution, j. com. to draft, res. ad. 21 42; sent to h. r. 22, 42.

Memorial to congress, to accompany constitution, j. com. to draft, res. from h. r. 57; con'cd by sen., 59.

Messenger for senate, president to procure, 16.

Michigan, admission of, into the union, j. com. on so much of gov's message as relates to, 90, sen. com. 90; cone'd by h. r. 91, h. r. com. 91; j. com. about to rep. 98, rep. 98; am's by h. r. 105; c. w. on rep. and am's 106, ld. sp. o. 107, ld. 113, sp. o. 115, disc. 117, ld. 119, disc. 121, 125, ld. sp. o. 126, c. w. 129 130, am. lost, 133, ad. am. 137, res. ld. 180 190.

, senators and representative instructed to oppose certain bill in congress for, j. res. ad. by sen. 204.

, act of congress supplementary to act providing for, transmitted with message from gov. 318, ref'd com. jud. 818, rep. bill, 319, (see 'Ordinance, &c.')

, and call of convention, res. ld. 326.

state revenue, general insurance, loan and trust company, bill to incorporate, not. 117.

Midland, county of, (see Saginaw).

**Militia, committee on, 88.**

, matters referred to, 91 121 189.

, report, 197.

, bill to provide for payment of, not. 154, leave 155, br't, read 1st time, ld. pr. 157, read 2d time, ld. 172, com'd com. mil. 189, rep. am. pr. 197, am'd 229, c. w. ref'd sel. com. 230, rep. am. ld. pr. 247, c. w. am'd, ord. engr. 267, am'd, read 3d time, passed, 274; ret'd from h. r. with am's 283; non-conc'd; com. conf. sen. 284, and h. r. 293; rep., am's conc'd, 295.

, abolishing parades of, res. ad. 121.

, services of, in controversy with Ohio, res. 91.

, memorializing congress for alteration of laws relating to, res. ld. 109.

, resolution to provide for payment of the, for services in supporting the supremacy of the laws of Michigan, from h. r. 386; read 2ce, 386, read 3d time, passed, 387.

, adjutant general requested to furnish muster rolls of, 230, furnished, 238, rel'd sel. com. on bill for payment of militia, 238.

**Military scrip, bill to authorize treasurer to pay, not. 317, leave, br't, read 2ce, ord. engr. 318, read 3d time, passed, 319; ret'd from h. r. am'd, 333; am's conc'd, 333.**

**Miller, Dan. B., communication from; ref'd com. incorp. 178.**

**Mino.s, bill to enable certain, to convey real estate, from h. r. 293 297; ld. 299, read 3ce, ld. 300, passed, 302.**

**Mississippi, resolutions of legislature of, on abolition of slavery, 265.**

**Monroe, bill giving certain compensation to the jailor of the county of, ord. engr. 362, read 3d time, passed, 376; passed h. r. 388**

, bill to incorporate city of, not. 108.

, bill to authorize sale of certain lot in village of, br't, read 2ce, ord. engr. 236, read 3d time, passed, 245; passed h. r. 258.

Morse, L. L., and John S. Bagg, appointed printers to the senate, 90.

Mortgages, bill to make it the duty of sheriff to foreclose, not. 97.

Mottville, pet. of citizens of, for bank; ref'd com. incorp. 112.  
     , for academy; ref'd com. liter.  
     178, rep. bill, 228.  
     , bill to incorporate an academy at, br't, read 2ce,  
     ld. 228.

## N

New Buffalo, bill to organize township of, not. 13, 97, leave  
     asked, qu. on, postp. 16, leave 49, br't 52,  
     read 1st time 52, 2d time, ord. engr. 100,  
     read 3d time, passed, 101, title am'd, 101.  
     (see 'Townships, bill to organize certain.')

    , village of, bill to incorporate, not. 127, br't,  
     read 2ce, ord. engr. &c. 262; passed h.r. 293,

New-York, revised statutes of state of, res., ad. am. 45.

Newspapers, to be furnished to president and members, 89.

Niles, pet. of inhabitants of, for bridge; ref'd com. incorp.  
     101, ref'd com. r. & br. 102.  
     , for road; ref'd com. r. and br.  
     110.

    , bridge over St. Joseph at, bill to authorize building,  
     from h. r. 122; read 1st time, 123, 2d time, sp. o.  
     141, c. w. 146, ref'd com. r. & br. 147, rep. substit-  
     ute, 151, ad., ord. to 3d reading, 151, read 3d time,  
     passed, 156, declared passed 160, title am'd, 160;  
     passed h. r. 223.

Nominations, bill to authorize governor to make certain,  
     leave, 258, br't, read 2ce, com'd c. w. 259, c. w. 265, am'd,  
     ord. engr. 266, read 3d time, passed, 267; passed h. r. 274.

Norvell, John, invited to take seat within bar, 7.

    , nominated by h. r. for senator to the congress  
     of the United States, 37, elected by joint  
     vote of both houses, 38.

Notices, bill requiring publication of, in certain cases, not. 152, leave 155, br't, read 1st time, ld. pr. 157, read 2d time, am'd, c. w., ord. engr. 168, read 3d time, passed, 172; ret'd from h. r. with am. 192; conc'd 192.

## O

Oath of office, members of senate take, 4.

Odell, James S., bill to authorize administrator of estate of, to convey the title of certain lands, from h. r. 353; read 2ce, passed, 357.

Officers, state, and members of legislature, election of, res., ref'd com. st. aff. 190.

, township and county, res. ld. 117, am. ad., ref'd com. t. & co. 164.

, bill for election of certain, from h. r.; read twice, com'd c. w. 191, c. w. 196, read 3d time, passed, 196.

, township, and justices of the peace, election of, where not elected, res., am'd, ad. 320, ref'd com. jud. 320, rep. bill, 346.

, township and county, bill to provide for election of, in certain cases, br't, read twice, ld. pr. 346, c. w., com'd com. jud. 350, rep., am'd. 351, 352, ord. engr. 353, read 3d time, passed, 364; ret'd from h. r. with am. 382; am. non-conc'd 384; h. r. recede from am. 388.

of legislature, bill for pay of, from h. r. 45; read 1st and 2d times, com'd c. w. 50, c. w. 51, am's conc'd in, ord. engr. 51, bill read 3d time, ref'd sel. com. 55, rep'd with am's; passed am'd 56; am's non-conc'd by h. r. 56; com. of conf. 57; am's by h. r. 58, conc'd by sen. 58.



Officers of legislature, rep. from sen. com. of conf. on number and compensation of, 59, postp., 59.

of general government, invited to take seat within bar, 7.

of senate, res. com. to nominate, ld. 12, withdrawn, 12.

, res. election of, 13, disc., ad. am'd, 14; when election to be, 14.

, nominations for, 14, elected 14-16.

Ohio, controversy with, (see 'boundary.')

, arrest of collector of Whiteford township, by authorities of; message from gov., and papers relative to, 98, ld. pr. 98, (doc. No. 5;) ref'd com. jud. 109, (see 'Brown, Lewis, bill &c. from h. r.) rep. 138.

Order, question of, on construction of constitution, art. xii., sec. 2, 156, 160.

Order of business, daily, 91.

Ordinance relative to certain propositions made by the congress of the United States, br't, read 1st time, ld. pr. 320, c. w. 329, am'd, com'd com. jud. 330, rep., am. ld. pr. 332, c. w. 340, ord. engr. 341, read 3d time, passed, 343; ret'd from h. r. with am's; am's of h. r. am'd 356; am. to am's conc'd by h. r. 366.

## P

Palmer, Gilbert, and others, pet. of, for new township; ref'd com. t. & co. 219.

Paper manufacturing company, bill to incorporate, not. 112, leave, 114, read 1st and 2d times, ref'd com. incorp., 116, rep. 178.

Paulin, Charles and Terrace, pet. of, for divorce; ref'd com. Ind. aff., 121, rep. on, 285.

Penitentiary, res., ref'd com. on state prisons, 159.

Pierce, John D., appointed superintendent of public instruction, 392.

Pitt, bill to alter the name of township of, from h. r. 333;  
read 1st time, ld., 333.

Pre-emption right of counties to 1-4 section of land,, mes-  
sage from gov. transmitting act of congress  
relative to, 329, ref'd com. st. aff., 329, rep.,  
act ref'd com. jud., 345, rep. bill, 351.

, bill to enable the several counties of this state to  
locate certain public lands, by, br't, read 2ce,  
com'd c. w., 351, c. w. 358, or'd engr. 359,  
read 3d time, passed, 365; ret'd from h. r. with  
am.; am. conc'd, 377.

Presbyterian society, first, of Calhoun co., bill to enable trust-  
tees of, to sell and convey real estate, from h. r., 353;  
read 2ce, 357, ord. to 3d reading, 359, read 3d time, pass-  
ed, 365.

President of the senate, lieut. gov. conducted to chair as *ex-*  
*officio*. 11.

, necessary absence of, 12 114 196,  
266 326.

, appears and takes the chair, 61 119  
305.

, thanks of the senate presented to,  
303 396.

President pro. tem., John S. Barry, appointed, 3 12.

, res. election of, ld., 16, ad. 47, John S.  
Barry elected, 47.

, com's to inform gov. and h. r. of elec-  
tion of, 48.

, thanks of sen. presented to, 60.

Protest, notice that minority on question of election of U.  
S. senators; would file, ld. 38.

, against present legislation, notice that minority  
of senate would file, 133, br't in, ld. pr. 152, (Doc.  
No. 8.) res. ad., ent'd, 160.

Printers to the senate, appointment of, 32 90.

Printing, committee on, 95.

Printing, committees on, matters referred to, 378.

, report, 134 383.

Probate, bill to authorize judges of, to grant license to sell

real estate of minors and others, from h. r. 247;

read 2ce, com'd c. w. 213, l. j. 257, c. w., ld. 282.

, bill to authorize judges of, to grant license to sell

real estate of minors and others, from h. r. 347;

read 2ce, com'd com. jud. 348, rep. 354, am'd 355,

read 3d time, passed 355.

Public and necessary charges, for state and county purposes,

bill for defraying, br't. read 1st time 166. 2d time, c. w.

141, sp. o. 141, 147, 161, 167, c. w. 184, ord. engr. 185,

read 3d time, passed, 186; passed h. r. 221.

Public lands, five per cent. on sales of, res. ref'd com. fin. 339,

rep. bill, 345.

## R

Railroad, Wayne and Shiawassee, bill to charter, company,  
not. 128.

company, or canal, Constantine and Niles, (see 'Ca-  
nal or railroad co'y, Constantine, &c.')

, Palmyra and Jacksonburg, bill to incor-

porate, not. 176, leave 198, br't, read

twice, com'd c. w. 202, com'd sel. com.

225, rep., am'd ord. engr. 236, read 3d

time, passed, 251; passed h. r. 263.

, Allegan and Marshall, bill to incorpo-

rate, from h. r. 177; read twice, com'd

c. w. 179, 189, 197, 204, 206, read 3d

time, passed, 207.

, Monroe and Ypsilanti, bill to incorpo-

rate, from h. r. 269; read 2ce, com'd

c. w. 270, com'd sel. com. 277, rep.,

am'd, read 3d time, passed, 278.

, Monroe and Ann Arbor, bill to incor-

porate, not. 180, leave, 182, br't, read

twice, ld. pr. 182, sp. o. 213, recom'd.

sel. com. 233, rep. 233, ord. engr. 234, read 3d time, am'd, ld. 245, recom'd sel. com. 253, read 3d time, passed 257; passed h. r. 270.

**Railroad Company, Clinton and Adrian.** bill to incorporate, from h. r. 236; read 2ce, com'd c. w. 237, am'd 264, read 3d time, passed, 265; com. conf. h. r. 269, and sen. 271; 2d com. conf. h. r. 282, and sen. 282, rep. 286, sen. recede from am. 287.

, **Detroit and Grand river,** bill to incorporate, not. 180, leave 212.

, **Shelby and Belle river,** bill to incorporate, from h. r. 236; read 2ce, com'd c. w. 237, ref'd sel. com. 255, rep. read 3d time, passed, 257.

, **Havre branch,** bill to incorporate, not. 197, leave, 198, br't, read twice, com'd c. w. 202, ord. engr. 283, read 3d time, passed, 288; passed h. r. 290.

, **Mackinac and Saginaw,** bill to incorporate, not. 244, leave, 254, br't, read 2ce, com'd c. w. 254, com'd sel. com. 257, rep. ord. engr. 262, ld. 288.

, **Kalamazoo and Lake Michigan,** bill to incorporate, not. 203, leave, br't, read twice, com'd c. w. 203, com'd sel. com. 225, rep., am'd, ord. engr. 236, read 3d time, passed, 251; passed h. r. 263.

, **St. Clair and Grand River,** bill to incorporate, leave, br't, read 2ce, com'd c. w. 203, com'd sel. com. 225, rep., ld. 225, am'd 234. ld. 235, am'd 238, ord. engr. 239, read 3d time, passed, 243; ret'd with am's from h. r. 277; am's

non-conc'd, com. conf. sen. 282. rep.,  
conc'd 285.

Railroad company, River Raisin Branch, bill to incorporate,  
not. 210, leave 212.

, River Raisin and Lake Erie, bill to in-  
corporate, from h. r. 236; read 2ce,  
com'd c. w. 237, com'd sel. com. 252,  
rep., read 3d time, passed, 253.

, bill in addition to an act to amend act to  
incorporate Erie and Kalamazoo; not.  
212, leave 224, br't, read 2ce, com'd  
c. w. 228, c. w. 242, am'd, ord. to 3d  
reading, 243, read 3d time, passed,  
245; ret'd from h. r. with am's, 258;  
am's conc'd, 261; vote on am's recon-  
sidered, 272, ld. 272, first am. non-  
conc'd, com'd com. conf. sen. 273, and  
h. r. 276, rep., am's conc'd 278.

, St. Clair and Romeo, bill to incorporate,  
from h. r. 235; read 2ce, com'd c. w.  
235, ref'd sel. com. 241, rep. back, read  
3d time, passed, 244.

, Huron and Grand river, bill to incorpo-  
rate, not. 321, leave, 338, br't, read  
1st time, ld. 339, read 2d time, com'd  
sel. com. 357, (ord. engr. 360,) rep.,  
ord. engr. 362, read 3d time, am'd,  
com'd com. int. impr. 363, rep. am.  
365, am. ad., ld. 366, passed 373.

, Brest and Grand river, bill to incorpo-  
rate, not. 328, leave, 338, br't, read 1st  
time, ld. 342, read 2d time, com'd sel.  
com. 357, read 3d time, am'd, passed,  
374.

, Detroit and Maple river, bill to incorpo-  
rate, not. 340.

**Railroad Company, -** Detroit and St. Joseph, bill to authorize, to use part of Chicago road, not. 347, leave 362.

, Detroit and St. Joseph, res. purchase of charter of, read 2ce, 362, am'd, ord. engr. 375, read 3d time, am'd, 380, passed, 381; passed h. r. 386.

, bill to amend act to incorporate, br't, read 2ce, com'd c. w. 371, c. w. 376, ld. 377, c. w., am'd, not ord. to 3d reading, 381.

from Otsego, in Allegan county, to mouth of S. Black river, bill for, not. 182.

**Removals from office, of certain officers, res. ld. 107, ad. 113, ref'd to com. jud. 113.**

, of township and county officers, res., ref'd com. jud. 321.

**Reporter for senate, president requested to procure, 116.**

**Representatives to congress, election of, res. ref'd com. on elections, 320, rep. bill, 332.**

, bill to provide for, br't, read twice, ld. 332, c. w. 337, recom'd com. on elections, 338, rep. 341, am'd, ld. pr. 342, c. w., ld. 350.

Revenue, state, resolution relative to the, ad. 273; conc'd by h. r. 280.

Riggs, Hezekiah and Ebenezer C., pet. of; ref'd com. jud. 102.

Rivers, harbors of Kalamazoo and St. Joseph, res. ld. 18, ad. 58, conc'd by h. r. 57.

, memorial to congress for donation of public lands to improve navigation of certain, res. ld. 99, am'd 104, ref'd com. int. impr. 104, rep. 139, conc'd 140.

, memorial to congress for appropriation to improve certain, j. res. ad. 155; conc'd by h. r. 164.

j. res. from h. r. 165, conc'd 165.

Road, state, from Jacksonburg to county seat of Livingston county; not. bill for laying out, 97.

, from Fort Gratiot to rapids of Grand river; res. ld. 105, ad.; ref'd com. st. aff. 150.

, from Pawpaw mills to falls of Grand river, bill to lay out, br't. 109, read 2d time, ord. engr. 115, read 3d time, passed, 117.

, from Bronson to mouth of S. Black river, res. ref'd com. int. impr. 167, rep. bill.

, from Bronson to mouth of S. Black river, bill to lay out; read twice, sp. o. 174, ref'd sel. com. on h. r. bill, 185, rep. 197.

, from Constantine to St. Joseph, pet. for; ref'd com. r. and br. 175.

, from Coldwater to Battle Creek, pet. for; ref'd sel. com. on h. r. bill, 185.

, from Edwardsburg to Allegan, bill to lay out, from h. r. 235; read 2ce, com'd c. w. 235, c. w. am'd, 242, read 3d time, passed, title am'd, 243.

, from Ypsilanti to Adrian, bill to lay out, from h. r. 353; read 2ce, com'd com. r. & br. 353, rep. 361.

**Road, state, from Shiawassee county seat to county seat of Clinton,** bill to lay out, not. 244.

, from Kalamazoo to mouth of Maple river, bill to establish, 340.

, bill to lay out and establish a certain, br't, read 2ce, am'd, ord. engr. 271, read 3d time, passed, 288; ret'd from h. r. with am's, 295; am's conc'd, 297.

, turnpike, from Detroit to Ypsilanti, bill to charter company to construct, not. 327.

along shore of Lake Michigan, appropriation from congress for, res. ld. 135, ad. 140, conc'd by h. r. 175.

commissioners, state and county, res. ref'd com. r. & br. 105, rep. bill, 166.

, bill defining powers and duties of, 167, read twice, ld. pr. 167.

, bill to authorize certain commissioners to alter a territorial, from h. r. 363; read 2ce, com'd r. & br. 372, rep. ld. 379, read 3d time, passed, 390.

, bill to extend Jefferson Avenue to intersection of Grosse Point, from h. r. 366; read 2ce, com'd c. w. 369, c. w. am'd, 369, read 3d time, passed, 370.

**Roads,** bill for the construction of certain, from h. r. 177; read twice, com'd. sel. com. 179, rep. sp. o. 185, c. w. am'd, 192, ld. 198, read 3d time, am'd, passed, 201, title am'd, 202.

, state, bill for opening and keeping in repair, from h. r. 223; read 2ce, ld. 224, am'd, read 3d time, passed, 232, title am'd.

and canals within the state, bill to authorize treasurer to receive from the secretary of the treasury of the U. S., moneys appropriated for making, br't, read 2ce, ld. pr. 345, com'd c. w. 354, c. w. 354, ord. engr. 350, read 3d time,



passed; ret'd from h. r. with am., 377; am.  
conc'd, 378.

Roads and bridges, committee on, 80.

, matters referred to, 95 105

175 321 328 330 372.

, report, 109 151 166 208

339 361 379.

Roll called, 4 61 165 171 173 175 178 181 185 190 192 197  
199 202 207 211 219 222 223 227 235 244 251 261 271  
285 305 317 319 331 337 342 345 349 351 360 370 378  
387.

, to be called daily, 163.

Rucker, John A. and others petition of, ref'd com. incorp.,  
173, rep. 178.

Rules for the senate, com. to draft, 11, rep. ld. pr., 13, disc.  
and ad. am. 22—31, pr. 31.

, two additional, adopted, 94.

, notice for amendment of, 116 149 171.

, proposed am. to, lost, 157.

, am. to one of the, 174.

## S

Safety fund system, res. ref'd sel. com. 188, rep. bill, 171.

, bill to create a; read 2ce, com'd com. incorp.,

171, rep. ld. pr. 181, c. w. 219 222 226, am'd.,

ld. 226, disc., 232, ord. engr. 232, read 3d

time, passed 243; ret'd from h. r. with am's.,

260; part conc'd 260, com. conf. sen. 260, h. r.

263, rep., conc'd, 261.

Saginaw, to attach county of Midland, &c. for judicial pur-  
poses, to county of, not. 133, leave 135, read 3d time, ord  
engr. 135, read 3d time, passed, 140, vote reconsidered,  
com'd com. t. & co., 140, rep. substitute, ad., passed, 151;  
passed h. r. 165.

Salaries of certain officers, bill fixing, from h. r., 121, read  
1st and 2nd time, disc. 122, ord. to 3d reading, 123, read 3d  
time, passed with am. 129.

Salaries of state officers, coffi. on, 48, rep. 107, ref'd com. st. aff. 107.

Salary of gov., bill to provide for the payment of, from h. r.; 57, read 1st 2d 3d times, passed, 57.

Sale of certain lands, bill to authorize, not., 208, leave, 212,  
 , br't, read 2ce, ld. pr. 220, refd sel.  
 com., 282, rep. am'd, ord. engr. 284,  
 read 3d time, recom'd sel. com., 288,  
 rep. am'd, passed 289.

, bill to amend act to authorize sale of  
 certain, br't, read 2ce, ord. engr.  
 332, read 3d time, lost, 333; vote re-  
 considered, bill passed, 355, passed  
 h. r., 366.

Salt springs, (see lands, bill to authorize gov. to locate cer-  
 tain, &c.)

Sanilac county, bill to attach part of, for judicial purposes, to  
 Lapeer, from h. r. 260; read twice 261, read 3d time,  
 passed, 264.

Sargent, N. O., and others, pet. of, for bank; ref'd com.  
 incorp. 151.

Savage, Moses B., and others of Monroe, pet. of, for sale of  
 certain church property, ref'd sel. com. 229, rep. bill, 235,  
 (see Monroe, bill to authorize sale of certain lot in village  
 of.)

Seats of justice, (see 'County seats.')

Secretary, pro tem., res., 3, Kintzing Pritchette, appoint-  
 ed, 3.

Secretary of senate, John J. Adam nominated for, 14, elec-  
 ted, 14.

, to superintend printing of senate journal  
 and documents, and furnish members  
 with copies, and copies of the laws,  
 229.

state, directed to furnish copies of certain act to  
 publishers of laws, 205.

Secretary of state, j. res. directing, to transmit copies of certain act, ad. by sen. 273, conc'd by h.r. 281.

, j. res. directing, to file papers of territorial government in his office, ad. by sen. 277; by h. r. 288, 295.

Senate, list of members of, 4, alphabetically, by districts, pr. 17.

, organized, secretary to inform h. r., 4, 61.

, committee to inform h. r., 305, rep. 303.

, ready to adjourn, com. to inform h. r., 303, rep. 303.

Senators and representative to congress, communication from gov. enclosing letter from, 92, ref'd to j. com. on admission of Michigan, 92.

, res. ld. 128.

, copies of resolution to be forwarded to, 157.

Senators, to the congress of the U. S., res. ld. 13, disc. 16, postp. 18, disc. 18. 19, 20, ad. am. 20, sent to h. r. 22, am. from h. r. 32, conc'd 32, appr. 33.

, res. election of, ld. 33, disc. 34.

, res. comparing nominations of two houses for, ld. 33.

, message from h. r. relative to, 34, conc'd, 35.

- Senators, to the congress of the U. S.,** nomination by senate of two persons for, 35, 36, by h. r. 37.  
 , who elected, 37, 38, announced in senate, 38.  
 , bill to provide for election of, not. 117, leave, 127, br't, read twice, ld. pr. 198.
- Sergeant-at-arms, pro tem.,** res. 3, Martin Story, appointed, 3.  
 , John Wright, appointed, 177.  
 , of senate, Geo. W. Dexter nominated for, 15, elected, 15.
- Shiawassee, township of, for organization of,** 100.  
 county, seat of justice of, res., ad. conf'd com. t. & co. 120, rep. 130.  
 , bill to vacate, read 2ce, 130, ord. engr. 131, read 3d time, ld. 136, passed, 140. passed h. r. 153.
- Silk growing and manufacturing company,** bill to incorporate, not. 320.
- Slavery, instructing senators and representative in congress** on subject of, res. from h. r. 49, non-conc'd by sen. 53.  
 , sel. com. on abolition of, 92, rep. 131 (doc. No. 7.) disc. 147, sp. o. 148, c. w. 160, rep. as am'd, ad. 161; am'd by h. r. 175; am's by h. r. conc'd 176.
- Smith, Gen. Richard, funeral of,** res. 196.  
 , Betsey, pet. of, for authority to sell real estate; ref'd com. jud. 360, rep. 379.
- St Joseph, bill to extend, the limits of the village of,** not. 101, leave 105, bill br't in, read 2ce, ld. pr. 120, disc., ord. engr. 132, read 3d time, passed, 136;  
 H 3

passed h. r. with am's, 177; am's non-conc'd 179,  
com. conf. sen. 179, & h. r. 188; rep., conc'd  
203; and by h. r. 212.

St. Joseph, bill to authorize corporation of village of, to contract  
a loan, not  
101.

, to con-  
struct a  
bridge, not  
101.

, pet. of citizens of village of; ref'd sel. com. 116.

St. Clair and Washtenaw counties, bill to authorize supervi-  
sors of, to raise money, (see 'Washtenaw and St.  
Clair &c.')

county, bill to authorize supervisors to loan a certain  
sum of money, leave, br't, 228, read 2ce, ord. engr.  
229, read 3d time, passed, 232; ret'd from h. r.  
with am. 270; am's conc'd 271.

State, limits of, that may hereafter belong to another state,  
legislation within, res. 163, indef. postp. 164

State affairs, committee on, 90.

, matters referred to, 107 150 190  
317 329 339.

, report, 326.

State prisons, committee on, 89.

, matters referred to, 159.

Steam mill company, not. bill to incorporate the Mt. Clemens,  
95, leave, 95.

Stowell, Alexander H., fiscal agent to advance certain sum  
of money to, j. res. ld. 215, read 3ce, ad., 220; conc'd by  
h. r. 223.

Superintendent of public instruction, res. ad., sel. com. 127,  
rep. bill 134.

, bill to prescribe powers  
and duties of, 134,  
read 2ce, c. w., sp.

o. 135, c. w. 140,  
am'd ref'd com. liter.  
141, rep. with am's  
ld. pr. 166, c. w., 180,  
ord. engr. 181, read  
3d time, 183, recom'd  
com. liter., 184, rep.  
ld., 193, indef. postp.,  
199.

, bill to define the duties  
of, from h. r. 353;  
read 2ce, 356, com'd  
c. w., 357, c. w., 366,  
am'd, 367—8, read  
3d time, passed, 368.  
; John D. Pierce appointed,  
392.

Suspension of 10th joint rule, by sen., 380 381.

, res. from h. r. 382; am'd conc'd,  
383.

, res. from h. r. 388; non-conc'd  
389.

## T

Taxes, state, expediency of increasing, &c. res., ref'd com.  
fin. 117.

Taxes, state, bill to provide for assessment and collection of;  
br't, read 2ce, com'd c. w. 273, c. w. 284, bill read 3d  
time, passed, 300; passed h. r. 301.  
on lands, bill concerning, not. 287.

Terms of service of senators, res. ld. 18, ad. 40, res. deciding  
by lot, ad. 40, terms, 40, 41.

Thompson, Moses, and others, of Livingston county, pet. of,  
for authority to construct dam, ref'd sel. com. 146, rep. 193.

Town plats, bill for laying out and recording; from h. r.  
135, read twice, ref'd com. jud. 135, rep., bill, ld. 171.

Towns and counties, committee on, 89.

, additional member appointed on, 174.

, matters referred to, 112 120  
123, 138, 164, 166, 188,  
203, 219.

, report, 120, 130, 151, 178  
223.

Township, bill to organize a certain, from h. r. 377; read 2ce,  
378, read 3d time, passed, 378.

Townships, bill to organize certain, from h. r. 203; read 2ce,  
com'd com. t. & co. 203, rep. 223, bill ord. to  
3d reading, ld. 223, ld. 224, passed, 225.

, bill to organize certain, br't, read 2ce, ord. engr.  
223, read 3d time, ld. 231, passed, 238; passed  
h. r. 270.

, bill amendatory to act relative to duties and pri-  
vileges of, not. 169, leave, 171, br't 172, read  
twice, com'd com. t. & co. 172, rep., ld. pr.  
176, ord. to 3d reading, 184, read 3d time, ld.  
187, com'd sel. com. 191, rep., ld. pr. 193, disc.  
ld. 199, disc. 217, am'd, passed, 218; ret'd from  
h. r. with am's, 247; am's non-conc'd, com.  
conf. sen. 248, and h. r. 250, rep., recom'd  
251; rep. a m., conc'd 252.

, of Cottrellville and Clay, divisionary line between  
bill relative to. not. 198, leave 200, br't, read  
twice, ord. engr. 202, read 3d time, passed,  
209; passed h. r. 235.

Treasurer, communication from; referred com. of ways and  
means, 48, rep'd back, (Doc. No. 3.)

, state, res. election of, ld. 42 43, res from h. r., 49,  
non-conc'd by senate 52.

, not. bill defining duties of, 92, leave 93,  
br't, read 1st and 2d times, referred com. on  
finance, 94, com. rep. substitute, 100,  
(see 'auditor general and treasurer.)

- Treasurer, ,state, election of, j. res.** from h. r. 115, am'd, ad. am. 131, am. conc'd by h. r., 134.  
 , election of, j. res.ad. by sen. 156; am'd by h. r. 166, am. conc'd 166.  
 , election of 144, 169.  
 , Levi Cook elected, 144, declines, 156.  
 , Henry Howard elected, 169.  
 , directed to report,(see 'auditor general and treasurer,) 186.  
 , report from, 195, ref'd j. com. of ways & means, 196, rep. 227.
- Treasury, receipts and expenditures of auditor and treasurer to report, 39.**  
 , bill to authorize certain moneys to be paid into the, rep'd as substitute, read 3d time, passed, 54, conc'd by h. r. 55.
- Tremainville forge and iron foundry, bill to incorporate stockholders of, not. 158, leave 159, br't, read twice, com'd c. w. 198, ld. 243.**

U

- University lands, j. res. ad. 148, conc'd in 157; copies of res., to be forwarded to senators and representative in congress, 157.**
- Updyke, Ralph, and others. pet. of, ref'd com. int. impr. 100, rep. 142, ref'd com. jud. 143, rep. 158; leave to withdraw pet. 158.**  
 , remonstrance against; ref'd com. jud. 154, rep. 158.

V

- Vacancies in certain offices, res. 39, com. on, 39, rep. 45, ad. 45.**
- Van Buren county, bill to organize, and townships in, not. 108.**



Van Buren county, bill to authorize gov. to confirm location of seat of justice of, from h. r. 236; read 2ce, com'd c.w. 237, c. w. am'd, ord. to 3d reading, 248. read 3d time, lost, 249, vote reconsidered, bill passed, 260.  
 seat, message from gov. relative to, 328, ref'd sel. com. 329, rep. ld. 338, disc. 393, postp. 394.

## W

Walled Lake steam-mill company, bill to incorporate, from h. r. 249; read 2ce, com'd c. w. 251, c. w. 257, ld. 258, am'd, read 3d time, passed, 279, vote not reconsidered, 280.

Wadsworth, John W., and others, pet. of; ref'd com. incorp. 178.

Walcott, Benjamin S., pet of; ref'd com. manuf. 166.

Washtenaw county, pet. of citizens of, for new township, ld. 202, ref'd com. t. & co. with h. r. bill, 203.  
 and St. Clair counties, bill to authorize supervisors of, to raise money, from h. r. 212; read 2ce, 212, 3d time, ld. 220, am'd, passed, title am'd, 226.

Wayne county, dividing of, res. 144, ad., ref'd sel. com. 145.

Ways and Means, j. com. on, res. ad. 16, sent to h. r. 16, sen com. 17, conc'd by h. r. 19.

White Pigeon, pet. of citizens of, for manual labor college; ref'd com. incorp. 122, ref'd com. liter. 158, rep. 162, leave to withdraw pet. 163.  
 manual labor school, bill to incorporate, not, 180, leave 182.  
 , Marshall Academy at, bill to incorporate, br't, read twice, pr. 197, c. w. 234. ld. 234, c.w., am'd, 240, ord. engr. 241, read 3d time, passed, 245; passed h. r. 269.

Wilkins, Ross, invited to take seat within bar, 7.

Woollen manufacturing company of Ann Arbor, bill to organize, not. 174.

Y

Yeas and nays, res. ld. 17.

Ypsilanti, bill to authorize town council of, to raise by tax a certain sum of money, from h. r. 339; read twice, passed, 355.



# **DOCUMENTS**

**ACCOMPANYING THE**

## **SENATE JOURNAL**

**OF**

**1885--6.**



# SENATE DOCUMENTS.

1835-6.

## NO. 1.

TO THE HONORABLE E. MUNDY, PRESIDENT OF THE SENATE OF THE STATE OF MICHIGAN:—

SIR:—In compliance with a provision of the constitution, I have the honor to present herewith, an abstract of the official returns of the votes given for the ratification or rejection of that instrument at the election held on the 5th and 6th of October last.

Very Respectfully, your ob't. serv't.

JOHN BIDDLE.

Detroit, November 2, 1835.

Abstract of the official returns of the votes given for the ratification or rejection of the constitution at the election held on the first Monday of October and the following day, viz:—

		Yes.	No.
Wayne	County,	1282	325
Oakland	"	915	499
Monroe	"	376	84
Lenawee	"	436	26
Washtenaw	"	1030	150
Macomb	"	447	98
Berrien	"	282	11
Cass	"	345	20
Lapeer	"	76	27
Branch	"	29	32
St. Joseph	"	163	14
Calhoun	"	228	13
St. Clair	"	100	20
Saginaw	"	90	8
Jackson	"	217	18
Allegan	"	49	2
Ottawa, Kent, Ionia and Clinton,		84	6
Hillsdale	"	97	0
Michillimackinac	"	33	4
Chippeway	"	20	2
		6299	1359

A true copy.

JOHN BIDDLE.

DETROIT, Nov. 2, 1835.

## SENATE DOCUMENTS.

## NO. 2.

Returns of an election for Governor and Lieutenant Governor, held in the several counties of Michigan, "on the first Monday of October and the succeeding day," in the year of our Lord one thousand eight hundred and thirty-five, conformably to the sixth article of the Schedule annexed to the constitution thereof.

Counties.	For Governor.	Number of votes.	For Lieut. Governor.	Number of votes.
Wayne,	Stevens T. Mason,	1490	Edward Mundy,	1458
	John Biddle,	101	James Kingsley,	30
	Alpheus White,	9	Stephens T. Mason,	39
	John Wright,	10	Martin Story,	13
	John Vanderwarken,	1	John Wright,	3
	Isaac Anderson,	1	Horace Heath,	1
	John Canaan,	1	Andrew Mack,	1
	John Norvell,	1	— Scanlon,	1
	Martin Story,	1	J. G. Odell,	1
	Beach Dinah,	1	Richard M. Johnson,	2
	J. Biddle,	1	Andrew Jackson,	1
	Darius Comstock,	1	Garry Spencer,	1
	Jacob Ransdale,	1	Paddy Scanlon,	1
			Aaron Anscomb,	1
Monroe,	Stevens T. Mason,	432	J. M. Howard,	1
	John Biddle,	1	Darius Comstock,	2
	David Russel,	1	John J. Mudge,	1
			Edward Mundy,	415
Washtenaw,	Stevens T. Mason,	1074	Lucius Lion,	1
	Stevens T. Mason,	166	Edward Mundy,	1051
	John Biddle,	4	Edward Mundy,	145
	William Woodbridge,	3		
St. Joseph,	Stevens T. Mason,	207	Edward Mundy,	195
	Orson Breckweth,	1	Benjamin King,	1
	George Woodwerth,	1	Titus B. Willard,	1
	William Woodbridge,	1	Solomon Watson,	2
	Isaac J. Ullman,	2	Isaac J. Ullman,	1
	John Biddle,	1	Ephraim Stewart,	1
	Austin E. Wing,	1		
	Ephraim Stewart,	1		
Berrien,	Stevens T. Mason,	308	Edward Mundy,	306
	Alexander H. Redfield,	1	D. G. Garnsey,	1
	D. G. Garnsey,	1		
Calhoun,	Stevens T. Mason,	241	Edward Mundy,	242
	Stephen T. Mason,	8		
Jackson,	Stevens T. Mason,	274	Edward Mundy,	271
	William E. Ferrine,	1	James Kingsley,	2
	John Biddle,	6	Ross Wilkins,	1
	John Norvell,	1	William R. DeLand,	1
	James Valentine,	4	William Woodbridge,	1
	Thomas Thumb, Jr.	1		
Cass,	Stevens T. Mason,	356	Edward Mundy,	366
	John Biddle,	64	James Kingsley,	1
	William W. Woodbridge,	2		
	Governor Woodbridge,	1		
Oakland,	Major Jack Downing,	1		
	Stevens T. Mason,	942	Edward Munday,	948
	John Biddle,	526	James Kingsley,	572

# SENATE DOCUMENTS.

	Major Curtis,	1	Edward Martin,	1
			Johnson Niles,	1
			William Draper,	3
Macomb,	Stevens T. Mason,	455	Edward Mundy,	458
	John Biddle,	41	James Kingsley,	16
	S. T. Mason,	1	Levi Cook,	4
			William Woodbridge,	2
Lenawee,	Stevens T. Mason,	456	Edward Mundy,	440
	Holden Colgrove,	7	Jeremiah D. Thompson,	1
	Charles Spear,	2	Stephen Perkins,	1
	John Biddle,	14	Samuel Bayles,	2
	Joseph W. Brown,	2	Edward Tuesday,	1
	C. C. Robinson,	2	T. B. Willard,	4
	William Woodbridge,	1	Simeon Davidson,	3
			Samuel Cook,	1
			C. A. Ormsby,	1
Kalamazoo,	Stevens T. Mason,	431	Edward Mundy,	416
	John Biddle,	24	James Kingsley,	20
	Levell Moore,	2	Roswell Ransom,	2
	William C. Woodbridge,	1		
Allegan,	Stevens T. Mason,	67	Edward Mundy,	45
(unorganized.)				
Barry,				
(unorganized.)				
Branch,	Stevens T. Mason,	77	Edward Munday,	71
Hillsdale,	Stevens T. Mason,	105	Edward Munday,	96
	John Biddle,	7	James Kingsley,	7
			William Kingsley,	1
Lapeer,	Stevens T. Mason,	89	Edward Munday,	90
	John Biddle,	13	James Kingsley,	12
Saginaw,	{ Stevens T. Mason,	100	Edward Mundy,	97
Genesee and				
Schiawassee,	{ Stevens T. Mason,	126	Edward Mundy,	111
Mackinac,				
Chippewa,	{ Stephens T. Mason,	126	Edward Mundy,	105
Ottawa, Kent,				
Ionia and	{ William Woodbridge,	13	William Woodbridge,	1
Clinton,	{ John Biddle,	2	J. Brant,	1
	J. S. Potter,	1	C. C. Trowbridge,	14
	D. Windsor,	1		

## TERRITORY OF MICHIGAN SS:—

This shall certify that the within is a true and accurate statement of the votes for Governor and Lieutenant Governor, as exhibited by the returns now on file in this office, at an election, holden on the first Monday of October and the succeeding day for the election of Governor and Lieutenant Governor of the State of Michigan.

JOHN S. HORNER,

Acting Governor in and over Michigan.

SECRETARY'S OFFICE, }  
Detroit, October 31, 1835.

## RECAPITULATION.

For Governor, Stevens T. Mason received	7506 votes.
" do John Biddle received	814 "
For L't. Governor, Edward Mundy received	7326 "
" do James Kingsley received	660 "



2

**TREASURER'S OFFICE, }  
DETROIT, Nov. 12, 1835. }**

**Gentlemen—**

I have the honor to be

**Your obedient serv't.**

LEVI COOK, T. M. T.

*Territory of Michigan in account with LEVI COOK, Treasurer.*  
1835. *Dr.*

Jan'y.	29.	To paid warrant to J. E. Swartz,	Voucher No. 1.	\$ 25 00
	29.	do Chester Kimble,	" 2	125 00
Feb.	5.	do H. S. Cole, Atty. Gen'l.	" 3	125 00
	14.	do R. Abbott,	" 4	50 00
	16.	do J. M. Wilson,	" 5	9 53
	17.	do L. Durocher,	" 6	25 64
	18.	do J. M. Wilson,	" 7	49 13
	19.	do Nathan Hubbell,	" 8	144 32
	21.	do I. S. Rowland,	" 9	49 91
	"	do J. M. Wilson,	" 10	40 35
	23.	do J. M. Wilson,	" 11	6 86
	"	Cash p'd, on Warrant No. 1,	" 12	2 31
Mar:	4.	do J. M. Wilson,	" 13	11 44
	5.	do J. M. Wilson,	" 14	10 47
	6.	do J. M. Wilson,	" 15	24 35
	7.	do J. M. Wilson,	" 16	11 76
	20.	do J. M. Wilson,	" 17	12 98
	"	do D. B. Brown,	" 18	242 32
	21.	do J. F. Abbin,	" 19	44 78
	23.	do Steph. J. Mason,	" 20	1000 00
	"	do E. Childs,	" 21	80 97
	"	do Peter B. Grynnon,	" 22	5 87
	"	do O. Allen,	" 23	223 32
	"	do Elias Comstock,	" 24	41 79
	31.	do N. Champ,	" 25	27 25
	"	do A. Farquher,	" 26	104 00
	"	do B. F. H. Witherell,	" 27	79 00
Ap'l,	1.	do W. A. Fletcher,	" 28	339 67
	"	do Richard Buller,	" 29	18 02
	"	do L. Cook,	" 30	25 00
	"	do Phineas Silsby,	" 31	106 00
	2.	do L. Stewart, Neal McGaffy, and Calvin Britain,	" 32	90 00
	"	do Rob. Abbott,	" 33	67 46
	"	do J. E. Swartz,	" 34	25 00
	"	do N. P. Thayer,	" 35	100 00
	"	do A. Dequindre,	" 36	228 55
Ap'l	2.	do J. M. Wilson,	" 37	43 85
	6.	do Warrant fav'r Major Biddle,	" 38	646 12
	17.	do Rob't. Danty,	" 39	7 86
	"	do B. W. Bonbois, Sh'ff.	" 40	15 13
	"	do Levi Shuting,	" 41	63 35
May,	8.	do Lamson Stoddard,	" 42	5 58
	18.	do J. H. Miller,	" 43	290 00
	28.	do J. M. Wilson,	" 44	52 00

# SENATE DOCUMENTS.

vii

1835.		Cy.
Jan'y.	1. By bal'e in Treasury,	\$4479 09
	6. " cash of Ja's Patchin,	5 93
	8. " do of J. Cole, auctioneer, Monroe,	11 89
	9. " do of H. C. Goodrich, sheriff, Calhoun,	6 89
	11. " do of O. Allen, sheriff, Oakland,	56 62
	20. " do of E. Brooks, acutioneer, Wayne,	132 79
	" do of J. M. Wilson, sheriff, Wayne,	165 77
	23. " do of Fowler Preston, sheriff, Berrien,	41 71
Feb'y.	14. " do of Wm. Canfield, sheriff, M'Comb,	71 00
	19. " do of N. Hubbell, sheriff, Monroe,	148 35
	" do of N. Hubbell, " "	234 00
	23. " do of Dan'l Coleman, sheriff, Jackson,	88 35
	28. " do of C. C. Trowbridge for locating county seat of Livingston,	30 00
March	20. " do of D. Brown, sheriff, Washtenaw,	142 32
	23. " do of O. Allen, sheriff, Oakland,	320 00
	28. " do of H. Goodrich, sheriff, Calhoun,	63 00
Ap'l	3. " do of J. C. Cole, auctioneer,	3 25
	8. " do of Jas. Patchen, sheriff, Lenawe,	150 00
	16. " do of Jas Filson, auctioneer, duties,	65 88
	" do of E. Brooks, auctioneer,	185 22
May	6. " do of Fowler Preston, sheriff, Berrien,	165 00
	" do of J. M. Rodgers, auctioneer, do	4 64
	8. " do of Jas Patchen, sheriff Lenawe,	20 50
	18. " do of J. C. McKinstry, auctioneer,	12 89
	29. " do of Wm. McArthur, sheriff, Branch,	47 15
June	2. " do of D. Coleman, sheriff, Jackson,	25 00
	8. " do of H. Chamberlin, sheriff, St. Clair,	150 10
	12. " do of Jas Patchen, sheriff, Lenawe,	24 14
	18. " do of E. Root, deputy sheriff, Cass,	91 93
	19. " do of D. B. Brown, sheriff, Washtenaw,	200 00
	23. " do of G. W. Huffman, auctioneer, Berrien,	3 53
July	3. " do of Joseph Cole, auctioneer, Monroe,	2 59
	8. " do of H. C. Goodrich, sheriff, Jackson,	24 50
	14. " do of Wm. White, auctioneer, Monroe,	6 39
	16. " do of C. Bucknam, auctioneer, Oakland,	1 06
Sept.	15. " do of E. P. Hasting for locating seat of Bary, 1833,	216 00
	19. " do of Henry Doty, auctioneer,	49 09
	22. " do of G. W. Barnes, locating county seat of Eaton,	216 00
	23. " do of Lem'l Goodell, auctioneer,	140 73
	24. " do of G. W. Hoffman, Berrien,	4 00
	" do of David Scott, locating county seat of Clinton,	126 00
	30. " do of Jas. Patchen, sheriff, Lenawe,	40 00
	" do of David Coleman, sheriff, Jackson,	10 00
Oct.	1. " do of William White, sheriff, Monroe,	20 00
	" cash cr'd Treasurer on Bank books, May 26, by J. M. Wilson, sheriff,	1000 00
	15. " do of J. C. Cole, auctioneer,	1 25
	" do of W. Anderson, sheriff, Washtenaw,	112 75
Nov.	5. " do of D. B. Brown, " do	50 00
	6. " do of D. Coleman, sheriff, Jackson,	7 62
	do borrowed June 24, 1835, of the bank of Michigan, authorized by an act of the Legis- lative Council, approved March 27, 1835.	10,636 06

## SENATE DOCUMENTS.

	29.	"	do	J. B. Willard,	"	45	15	43
July,	9.	"	do	J. E. Swartz,	"	46	31	25
	18.	"	do	Wm. A. Fletcher,	"	47	375	00
	"	"	do	Rob't. Abbot,	"	48	50	00
	"	"	do	Dan'l Coleman,	"	49	18	50
Aug.	4.	"	do	H. Chamberlin,	"	50	39	10
	14.	"	do	H. S. Cole,	"	51	125	00
	21.	"	do	G. B. Martin and other on } Voucher,	"	58	349	33
	22.	"	do	A. E. Wing,	"	52	343	38
	"	"	do	Levi Cook,	"	53	50	00
Sep.	15.	"	do	S. T. Mason,	"	54	2368	95
	18.	"	do	D. S. Bacon,	"	55	1500	00
Nov.	5.	"	do	June 24, 1835, to members } of Convention and contin- } gent expences of same au- } thorized by an act of Legis- } lative Council approved } March 27, 1835.				
				See Vouchers in hand of Treasurer.			17,197	81
							<hr/>	
							\$26,862	19
1835.							<hr/>	
Nov.	13.			To amo't bro't for'd due Banks.			\$489	54

# SENATE DOCUMENTS.

ix

"	do borrowed of the Mechanics and Farmer's bank, June 24, 1835, by an act above alluded to, and for which they hold the Treasurer's receipt, bearing interest.	6561 75
"	do Amount overdrawn on banks,	489 54
		<hr/> \$26952 19

## SENATE DOCUMENTS.

NO. 4.

AUDITOR'S OFFICE, }  
 DETROIT, Nov. 11, 1835. }

TO THE HONORABLE, THE SENATE OF THE STATE OF MICHIGAN:—

I have the honor of transmitting to you, pursuant to a resolution passed this day, a statement of the receipts and expenditures of the Treasury since my last report made to the Legislative Council, by which it appears that the amount of Warrants issued from this office exceeds the receipts in the Treasury of \$1277 39 $\frac{1}{2}$ .

Respectfully,

Your most ob't. serv't.

ROBERT ABBOTT.

LEVI COOK, Treasurer, of Michigan, for receipts and expenditures.

1835.		Dr.
Jan'y.	1. To Balance in the Treasury, reported this day,	\$4450 92 $\frac{1}{2}$
	6. " Cash of Jas. Patchin, sheriff, Lenawe,	5 93
	7. " do of J. C. Cole, auctioneer, Monroe,	11 88
	do of O. Allen, sheriff, Oakland,	56 62
	19. " do of E. Brooks, auctioneer, Detroit,	132 79
	20. " do of Jno. M. Wilson, sheriff, do	165 77
	23. " do of Fowler Preston,	40 71
Feb'y.	19. " do of N. Hubble, sheriff, Monroe,	382 25
	23. " do of D. Coleman, do	88 35
Mar.	4. " do of D. B. Brown, sheriff, Washtenaw,	142 32
	25. " do of O. Allen, sheriff, Oakland,	320
April	3. " do of J. C. Cole, auctioneer,	3 25
	9. " do of J. Patchin, sheriff, Lenawe,	150
	17. " do of S. S. Hawkins, auctioneer,	65 88
	do of E. Brooks, do	185 21
May	6. " do of Fowler Preston, sheriff,	165
	do of J. N. Rogers, sheriff,	4 64
	26. " do of Jno. M. Wilson, sheriff,	1000
	27. " do of D. C. McKinstry, auctioneer,	12 89
	30. " do of William McCarty, sheriff,	47 15
Aug.	3. " do of H. Chamberlin, sheriff,	150 10
	16. " do of J. C. Cole, auctioneer,	2 59
Sept.	22. " do of Geo. W. Barns,	216
	24. " do of Lemuel Goodle, auctioneer,	140 73
	do of D. Scott,	126
	do of J. Patchin, May 8,	\$20 59
	do of D. Coleman, June 2,	25 00
	do of J. Patchin, "	24 14
	do of C. Root, Cass c'ty. 18,	9 93
	do of Dr. Brown, 19,	200 00
	do of G. W. Hoffman,	3 53
	do of H. C. Goodrich,	24 50
	do of W. White, July 14,	6 39
	do of C. Buckman, auctioneer,	1 06
	do of E. P. Hasting, Sep. 15,	216 00
	do of H. Doty, auctioneer,	49 02
	do of G. W. Hoffman,	4 00
	do of J. Patchin, Sep. 30,	40 00
	do of D. Coleman,	10 00
	do of W. White, Monroe,	20 00—654 16

The above items, comprising the sum of \$654 16 cts. not charged in the account with the treasurer, by reason of his receipts not being presented to the auditor to be countersigned.

**LEVI COOK, Treasurer of Michigan. for receipts and expenditures.**

1835.

			Cr.
Jan'y.	2.	By Cash paid warrant, favor J. E. Schwarz,	\$ 25
	22.	" do paid warrant, favor Kimbal for opening a territorial road from Point Chene to Fort Gratiot,	125
Feb'y.	5.	" do paid warrant favor H. S. Cole, Att'y. Gen'l.	125
	14.	" do paid Robert Abbott, auditor,	50
	17.	" do paid Jno. M. Wilson, taking census Spring Wells township,	9 53
		" do paid warrant, favor L. Durocher for making returns of the census,	25 64
	18.	" do paid warrant, favor Jno. M. Wilson, for taking census in Detroit,	46 13
	19.	" do paid N. Hubble, sheriff Monroe, taking the census,	144 32
	21.	" do paid Jno. M. Wilson, sheriff, taking the census, town Nankin,	20 85
		" do paid Jno. M. Wilson for making appointments,	19 50
		" do paid I. S. Rowland, clerk fee, making returns of census,	49 91
	23.	" do paid warrant, favor D. Coleman, sheriff Jackson county, taking the census,	23 32
		" do paid Jno. M. Wilson, taking census River Ecorces township,	6 86
		" do paid Jno. M. Wilson, for taking the census, Monguagon township,	11 44
Mar.	4.	" do paid warrant, favor Jno. M. Wilson, fee, taking the census of Greenfield,	10 47
		" do paid warrant, favor Jno. M. Wilson, taking the census Hamtramck,	24 35
		" do pain warrant, favor Jno. M. Wilson, taking the census Canton,	11 77
	20.	" do paid warrant, favor D. B. Brown, sheriff,	242 32
		" do paid Jno. M. Wilson, taking the census Bucklin township,	12 98
	21.	" do I. T. Allen, clerk,	44 78
		" do paid S. T. Mason, acting Governor,	10 00
		" do paid F. Childs, sheriff, Brown county,	80 98
		" do paid P. B. Grignon,	5 87
		" do paid O. Allen,	223 32
		" do paid E. Comstock, clerk,	41 79
	31.	" do — Fargutar,	104
		" do paid N. Champ, jailor,	27 25
		" do paid B. F. H. Witherell,	79
Ap'l.	1.	" do paid W. A. Fletcher, district Judge,	300
		" do do do extra pay,	39 65

October 17.	"	cash of Wm. Anderson, sheriff, Washtenaw,	112 75
			<hr/>
			\$8833 39½
			<hr/>
1835.			
Nov. 10.	"	Balance carried down,	\$1277 39½
			<hr/>
			\$10111 39

The Treasurer is credited with several warrants, as will appear by this statement, which are probably not paid by reason of there being no monies in the treasury. The sheriff of the county of Wayne has made no returns of taxes for the two last quarters, or closed his accounts for the first quarter, although he has been reported to the Executive agreeably to law.

The sheriffs of several other counties have also yet to report for the last two quarters.

# SENATE DOCUMENTS.

xiii

		" do paid Richard Butler, clerk,	18 02
		" do paid Levi Cook, treasurer, for $\frac{1}{2}$ salary,	25
		" do paid Phineas Selsby,	106
		" do paid McGaffy, Stewart and Beelan, Com'rs. } locating seat of justice, Cass county,	70
		" do paid warrant, favor J. E. Schwarz,	25
		" do paid Robert Abbott, and fee, contingent ex- } penses and postage.	67 46
	2.	" do paid warrant, favor N. P. Thayer,	100
		" do paid warrant, favor A. Dequindre,	228 55
		" do paid Jno. M. Wilson,	43 85
		" do paid John Biddle,	686 67
	17.	" do paid warrant, favor B. W. Brisbois,	15 13
		" do paid warrant, favor L. Sterling,	63 85
		" do paid warrant, favor Daugherty, clerk,	7 86
May	8.	" do paid warrant, favor J. S. Stodard,	5 58
		" do paid warrant, favor J. H. Miller,	299
	30.	" do paid warrant, favor Jno. M. Wilson,	52
		" do paid warrant favor T. B. Willard,	15 43
July	25.	" do paid warrant, favor D. Coleman,	18 50
		" do paid warrant, favor H. Chamberlin,	39 10
Aug.	13.	" do paid warrant, favor H. S. Cole, 2 qrs.	125
		" do paid warrant, favor W. A. Fletcher,	375
		" do paid Robert Abbott, $\frac{1}{2}$ sal'y.	50
	23.	" do paid warrant, favor A. E. Wing,	343 38
		" do paid Levi Cook, treasurer,	50
Sep.	15.	" do paid warrant, favor S. T. Mason, acting Gov.	2368 04
		" do paid warrant, favor do	1500
Oct.	1.	" do paid warrant, favor J. E. Schwarz,	31 25
		" do paid warrant, favor do	31 25
	12.	" do paid warrant favor Eldridge dis. att'y.	10
	23.	" do paid warrant, favor W. A. Fletcher,	375
	28.	" do paid warrant, favor W. McCarty,	13 71
Nov.	10.	" do paid warrant, favor H. James, clerk,	6 73
			<hr/>
			\$10111 39
			<hr/>
Nov.	10.	By balance brought down,	\$1277 39 $\frac{1}{2}$
			<hr/>
			ROBERT ABBOTT, Auditor of Michigan.
			Detroit, November 11, 1835.



## TO THE SENATE:

I submit for the consideration of the Senate, the papers relating to the arrest and imprisonment by the authorities of the state of Ohio, of Lewis Brown, an officer of this state, while in the discharge of his *ordinary* official duties under the laws of Michigan.

As the question of boundary between Ohio and Michigan, can be absolutely determined by the highest judicial tribunal of the government only, I would suggest that authority be given the Executive to employ counsel to defend the case of Lewis Brown through all the courts of Ohio, in order that it may be carried to the Supreme Court of the United States, if practicable.

Feb. 5, 1836.

STEVENS T. MASON.

(COPY.)

WHITEFORD, January 28, 1836.

DEAR SIR—

The Collector of this township while in the act of selling property for taxes, was this day carried off by the deputy Sheriff of Lucas county, Ohio.

It will be desirable that some person or persons from Monroe, should appear as counsel for him at his trial, if he is to be tried by the authorities of Ohio. I think it will be impossible for him if he is admitted to bail, to collect the residue of the taxes unless he has assistance.

Yours, respectfully,

WILLIAM BANCROFT, Supervisor.

J. Q. ADAMS, Esq., Dist. Atty.

MONROE, January 29, 1836.

DEAR SIR—

Above you have the copy of a letter I received this morning by express, from Wm. Bancroft, Esq., Supervisor of Whiteford, the accuracy of which cannot be questioned. I also understand that the deputy Sheriff came with a large posse, and made the arrest and carried the Collector off for trial.

In haste, I remain respectfully, &amp;c.

J. Q. ADAMS, District Attorney.

His Excellency, S. T. MASON, Governor of Michigan.

TERRITORY OF MICHIGAN, }  
*County of Monroe,* }

Personally came before me, one of the Judges of the circuit court for the said territory, in and of Whiteford, in said county, who being duly sworn, doth depose and say that he was and still is the collector of the county and township taxes in and for said township; that in pursuance of the statute in such case made and provided, he proceeded to collect said taxes, and the tax of Jonathan H. Jerome remaining unpaid, and Bishop Sudam residing on the premises taxed to said Jerome, and having personal property thereon, to wit: one grey mare, and this deponent having demanded the tax of said Sudam, and he having refused to pay said tax, this deponent, a collector as aforesaid, made distress upon said premises and took said grey mare, it and said premises being in said township, and having advertised said mare for sale according to law, and after six days public notice of the time and place of sale, proceeded to sell said mare at the house of Ira Aldrich; of said township, that while said Sudam and others were bidding on said mare, one Coffin, a constable of what is termed Lucas county, Ohio, and residing at Maumee in Ohio, approached this deponent then acting as collector as aforesaid, and said he was under the necessity of making this deponent a prisoner, by virtue of a warrant issued by one Horatio Conant, a justice of Ohio, residing at Maumee; this deponent denied the right of said constable to apprehend him, this deponent being within the jurisdiction of said territory and said county, and said constable being confined to the state of Ohio; then said constable commanded the assistance of the spec-

tators and bidders, and he was assisted in taking this deponent by a man named George W. Roberts, one Griffith and others, and having taken this deponent, they cast him into a sled or sleigh and about twenty of them took him to Maumee, among the number he recollects Samuel Searcy, James Egnaw, Wm. Burr, Bateman Sudam, and George W. Roberts. This deponent further states that after his arrival at said Maumee he was taken before said justice Conant, and found that the warrant had been issued by said justice in behalf of said Bateman Sudam as plaintiff, said plaintiff appeared and declared for said mare which this deponent had taken for taxes as aforesaid, and obtained judgment against this deponent for the value of said mare and damages, amounting in the whole to sixty dollars, and cost of suit. This deponent further states that he stated to said justice the facts as aforesaid; that said justice issued execution against this deponent, and delivered the same to the constable Coffin, who took him and delivered him to the gaoler of Wood county, Ohio, to wit, at Perrysburg; where this deponent was confined from the 28th January till the 29th of the same month, when he was released by order of judge Hollister, of Wood county. This deponent further states that after taking said mare for taxes as aforesaid, said Bateman Sudam accepted the same and took it into his possession and delivered it to deponent on said day of sale, and when this deponent was taken by said Coffin as aforesaid, the said mare was taken away by the mob, which took him to Maumee. And this deponent further states that when taken and during his confinement during the said trial, he was beaten and ill treated and insulted in every possible way by said Coffin, &c.

LEWIS BROWN.

Subscribed and sworn to before me this 1st day of February, A. D. 1836.

W. LAWRENCE,

Associate judge of the circuit court of Michigan,  
and for the county of Monroe.

#### No. 6.

Mr. Comstock, from the select joint committee of the senate and house of representatives to whom was referred that part of the Governor's Message which relates to the admission of Michigan, &c., made the following

#### REPORT.

The joint committee to whom was referred that part of the Governor's message which relates to the admission of Michigan into the Union, and the formation of the state government, and who were also instructed to report such measures as should be adopted by the legislature of Michigan now convened in relation to the organization of the state government, and what extent of legislation is required and necessary to secure the due administration of justice and protect the rights of the citizens of Michigan guaranteed by their constitution, beg leave to report—

That the propriety of the course which the people of Michigan have thought proper to pursue, and the legality of their proceedings under the *irrepealable* ordinance of 1787, in organizing themselves into a separate and distinct sovereignty, and assuming the attitude and claiming the privilege of a member of the Union, have formed no part of the investigation of the committee.

It is deemed unnecessary to discuss the question of the right of the state to govern itself. The contingency of the requisite population has happened which was contemplated by the ordinance. The temporary control of congress has ceased. A permanent government has been established upon republican principles. The legislature has convened in obedience to the constitution, and the subjects which should occupy its attention, refer to the delicate relation of the state with the general government, the expediency of present legislation, and the extent to which that legislation must be carried for the protection of the citizens and maintenance of the machinery of government.

The present position of the state in reference to the general government is one of great delicacy. Having fulfilled the condition upon which our admission into the Union was dependent, the people of Michigan had a right to expect the fulfilment of the pledge contained in the ordinance and that their delegation to congress would have been cordially received.

By a communication from that delegation it appears that the President immediately upon the reception of authentic copies of the census of the inhabitants, and of the state constitution, transmitted the same to congress with such an expression of his opinion as indicated the favorable light in which the right of admission was viewed by that branch of the government.

What action will be had on the subject in congress, and what will be the able and untiring efforts of our representatives or of the malign influence of Ohio, it is impossible to foresee.

But in any contingency, at all hazards, the state should be prepared to maintain, by all lawful means, the integrity of her southern boundary, and to pursue that course temperately but firmly, which has hitherto distinguished its measures.

Your committee are of opinion, that whatever may be the result of the action of congress, it would now be premature in them to suggest a course of legislation, or for the legislature to enact laws, having for their object to meet the contingency of a portion of its territory being violently wrested from Michigan and given to the state of Indiana and Ohio.

And your committee, with pleasure, express the hope, that while from past events they have nothing to expect from a returning sense of justice by Ohio, there will yet be found in the deliberations of congress, a calm and thorough investigation of the case which will lead to an acknowledgement of the rights for which we have so long and patiently contended.

Your committee feel bound to press upon the attention of the legislature the propriety of the passage of such laws as the present exigencies of the people require. It would be difficult and indeed unnecessary to point out the particular laws which it may be proper to enact. The wants of each section of country are well understood by its representatives, and the memorials which crowd the clerk's desk, will indicate what subjects are worthy of attention.—It will, of course, become the duty of the legislature to provide for township and county organizations, and the election of their different officers, and to pass such general acts as are absolutely called for and necessary to give full effect to the provisions of the state constitution.

Your committee cannot refrain from expressing the hope and belief, that the movements of the present session in regard to the remaining rightful authority of the general government will be distinguished by a spirit of patience and forbearance, and that in view of the peculiar delicacy of the existing crisis, its deliberations will be principally directed to subjects of a general or local character which are confessedly within the legal competency of the legislature, and which are imperiously demanded for the preservation of the existence of the state.

All of which, together with the following resolutions are respectfully submitted, and your committee beg to be discharged from a further consideration of the subject:

*Resolved by the Senate and House of Representatives, That the legislature will proceed, at its present session, to pass all laws required by the interests of the people, and to secure to them the rights guaranteed by the ordinance and the constitution of their own adoption.*

*Resolved, That as a renewed testimony of the high regard entertained for the congress of the United States, the legislature of Michigan now again respectfully urge their speedy admission into the Union, and a recognition of the rights secured to them by the aforesaid ordinance of 1787.*

*Resolved, That the Executive cause a copy of the foregoing report and resolutions to be transmitted to the president of the senate of the United States, to the speaker of the house of representatives, and to each of our representatives in congress.*

## NO. 7.

Mr. Hough, from the select committee to whom was referred so much of the Governor's message as relates to the abolition of Slavery, made the following

## REPORT.

The committee have given to the subject all that dispassionate and anxious consideration which its importance demands, and can discover no power delegated by the federal constitution, authorizing an interference with the domestic relations of the Southern States. On the contrary, they find that the regulation of slavery is left by the constitution amongst the reserved rights of the states, - and that its modification or abolition can only be effected by the states themselves. The committee are therefore satisfied that any intrusion upon the domestic slavery of the south, by any other state of the general government, would be a palpable violation of the federal constitution, and an unauthorized and unjustifiable violation of the rights of others.

The formation of our glorious Union was the work of patriotism, actuated by a spirit of forbearance and compromise of opinion, having in view the protection of the rights of every member of the confederacy. It was an experiment made by the friends of civil liberty, upon which are based the hopes of mankind, in the assertion of the sacred privileges of self government. "The offspring of common sufferings and common triumphs," this Union can only be preserved by a community of feeling amongst the citizens of the respective states. Upon this feeling rests the fabric of our government, and the agitation of any subject calculated to destroy it, and embitter the cup of our prosperity, should be rebuked and silenced by the overwhelming voice of the American people. No question has arisen since the formation of the government, so important to its welfare, as that of the abolition of slavery; and none has ever required more seriously the prompt interference of the patriot, to stay the hand of the incendiary in their fanatical and misguided attacks upon the institutions of his country.

On the adoption of the federal constitution, the states surrendered to the general government certain express powers:—all powers not expressly delegated to the United States, were reserved to the states, or to the people of the states. Amongst these reserved powers, was the exclusive regulation of the institution of slavery. As a guarantee for the surrender of certain powers to the general government, the states were *ensured a more perfect Union, their common defence, their general welfare and domestic tranquility*. Such are the obligations of our Union. We would ask the abolitionist to reflect upon their sacred character, and answer for their violation! We would point to him the consequences of his labors:—bitter, violent and excited feelings between brothers of the same great political family: states arrayed against states in angry discussions: and the jeopardy of institutions reared by the wisdom and cemented by the blood of our ancestors—institutions, which have brought us, through their perfection, to the elevated position of an enlightened and free people which have proved themselves the guard of all our privileges and rights, the nursery of genius and valor, the incentive of reason in her pursuit of knowledge, "the spur of probity, humanity and generosity."

The committee, impressed with the importance of the subject committed to their charge, would respectfully submit the following resolutions:—

*Resolved by the Senate and House of Representatives of the state of Michigan, That, regarding domestic slavery of the southern states, as a subject exclusively within the control of said states, every interference with the subject by the general government or any other states, is an assumption of power not delegated by the federal constitution.*

*Resolved, That the freedom of the press, and the freedom of speech, are sacred and inviolable rights guaranteed to the people; but that in proportion to their sacredness and value, is the obligation to preserve them from abuse.*

*Resolved, That the formation of abolition societies, and the acts and pro-*

ceedings of certain individuals calling themselves abolitionists, are in direct violation of the obligations of the compact of our Union, and destructive to the tranquility and welfare of the country.

*Resolved*, That the Executive be requested to transmit a copy of this report and resolutions to

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No. 8.

PROTEST.

The undersigned members of the senate, elected under the constitution of Michigan and now convened at the the capitol in the city of Detroit, deeming it inadvisable and inexpedient, at this time, to enter upon legislation, do solemnly protest against the passage of any laws during the present session of the legislature, and for reasons they submit the following :

1. The people of Michigan, in accordance with the ordinance of 1787, and the act of congress of January 11, 1805, having formed a constitution and in part organized a state government, and having submitted that constitution to the congress of the United States, to whom exclusively, appertains the right of admitting new states into the Union, and the question of admission being now pending before that body, the undersigned believe it to be impolitic and unwise, further to proceed until that question be decided. Impolitic, because, in asking admission, we acknowledge that action of congress is necessary to constitute us a state of the Union; therefore, true policy and a proper decorum require us, whatever be our rights, to abstain from their exercise, while, at our instance, congress is progressing with their investigation. Unwise, because we thus prejudice the case we have called upon congress to decide, and take into our own hands what we have asked congress to accede, thereby, implying disrespect to that body by expressing distrust in its justice.

2. Whatever may be the views of the undersigned in relation to the right we may have to legislate at this time, inasmuch as many of the most learned jurists of the United States not only doubt, but in some instances, absolutely deny the existence of that right, a proper respect to the opinions of others, especially of those disinterested, and a becoming modesty that should deter us from making ourselves judges of our own cause, after submitting it to congress for decision, particularly, when the rights of other states, real or assumed, are involved, imperiously require us to forbear; and more emphatically so, when the ultimate maintenance of our rights do not impel us to action; for, by awaiting the decision of congress, no principle is sacrificed and no right endangered.

3. A proper regard and just respect to the opinions of the President of the United States, and the able and worthy men who compose his cabinet, all disinterested, and if biassed at all, it is certainly not against us, should forcibly urge upon us the propriety of suspending further proceedings until congress shall have had time to examine and decide upon our claims. The President, by the advice of his cabinet, has come to the conclusion that it is his duty to maintain a territorial government in Michigan, until congress acknowledge and recognize the state. As perhaps a majority of those who, from their knowledge in jurisprudence, are best able to judge, confirm the correctness of the President's views, the true interests of our constituents require us well to consider before we take ground from which retreat will be impossible. The odds, both morally and physically, being against us, should we not pause before we act? We are interested; may not our interest blind our judgments? Is there not, at least, some danger that our desires may improperly influence our decisions? At all events there can no evil arise from awaiting the decision of congress—in that course there is propriety and safety.

4. By exercising, at this time, the rights which we have asked of congress to grant or at least to recognize, and before that body has had time to make a decision, we should make ourselves obnoxious to the charge of precipitancy; and it is but reasonable to fear that, while no good would be ob-

tained, the interests of the people would in some measure suffer. It is to be feared that such a course would endanger the usual appropriations which have, heretofore, been so liberally bestowed for the public benefit, and in which all are alike interested.

5. By taking our own case into our own hands, after having asked the decision of congress, by deciding the matter in issue ourselves, however correctly, after having submitted it to that body, where, at our own solicitation, it is in progress of investigation, we jeopardise, at least, the present recognition of our rights. No act of rashness, on our part, will aid our cause, but may operate to its material injury. Such a course may, and probably will, induce congress to recognize our rights in a different manner from that in which we now ask—by passing an act authorizing us to form a constitution and state government.

6. As the President of the United States has expressly and *officially* communicated to the Executive elect of Michigan, his full determination to sustain the territorial authorities and a territorial government, in all its parts, every act passed by the legislature at this time, must inevitably produce a collision with the authorities of the government. The undersigned will not say that in no case would they resist those authorities. The time may come, (which God forbid,) when forbearance would be no longer a virtue; but they are most firmly and unanimously convinced that at this time there exists no cause or shadow of cause, for such resistance; that every act on our part tending to produce a conflict, is unnecessary, uncalled for, and will result in essential injury to the best interests of Michigan. Legislation at this time will throw the whole community into the most fearful anarchy and confusion.

7. The undersigned cannot refrain, at this time, from noticing one argument repeatedly urged by gentlemen who are opposed to an immediate adjournment. It is contended that by proceeding at once to pass laws and to authorize elections of township and county officers, public sentiment would be enlisted and individual interest would create a support for the government proposed to be put in operation. The fallacy of such an argument, if argument it be, can easily be discovered. If Michigan put her state government in operation, that government is either legal or illegal. If legal, it requires for its support not the factitious aid of popular commotions, nor the venial aid of aspirants to public office—if illegal, such a support must not only prove ineffectual, but must revert upon its projectors, and, in the end, destroy those it was intended to preserve. The government of the United States is a government not of men but of laws. No state of things that Michigan may adopt can be permanently maintained, unless it be in accordance with the laws of the land. If the Supreme Court of the United States decide that any position by us assumed, is without legal foundation, it is the duty of every good citizen, whatever may be his individual opinions, to sacrifice them upon the altar of public good, by giving implicit adherence to the decision of this highest judicial tribunal known to our happy republic.

8. The undersigned are decidedly of opinion, that the legislature should not now pass laws because their observance cannot, at this time, be enforced. The Executive of the United States having determined to sustain a territorial government, and having officially communicated this determination to the governor elect of Michigan, it will at once be seen that our legislative enactments cannot be put in operation but by the extermination of the territorial authorities by physical force. This brings us, at once, into open hostilities with the government of the United States, and as has already been intimated, the crisis requiring such a conflict has by no means arrived.

For such and other reasons, the undersigned dissent from legislating at this time, and, in accordance with the twelfth section of the fourth article of the constitution, respectfully ask leave to insert this, their Protest, upon the journal of the senate.

JOHN S. BARRY,  
JOHN CLARKE,  
JOHN STOCKTON,  
HORACE H. COMSTOCK,  
EDWARD D. ELLIS,

Detroit, February 21, 1836.

## NO. 9.

Mr. Hough, from the committee on Incorporations, to whom had been referred the bill entitled, "A bill to create a fund for the benefit of the creditors of certain monied corporations," made the following

## REPORT.

The committee on Incorporations, to whom was referred the "bill to create a safety fund," have instructed me to report—

That they have examined the same, and find it to be similar, or rather to be almost precisely the same, in its provisions, to those of the well known safety fund system, so called, of the state of New York.

And your committee are of opinion, that in entering upon a new system of legislation in regard to banking, calculated to meet the present wants, and at the same time looking to the future permanent welfare and prosperity of the state, and the stability of its monied institutions and consequent safe use and enjoyment of all the benefits to be derived from an extensive and well conducted credit system, the present legislature cannot better or more wisely act than in doing much towards laying a solid and secure foundation, by adopting a system which has been so thoroughly tried and tested for the last six or seven years, and found so practically beneficial in the largest and one of the most enterprising and prosperous of our elder sister states; and which, by its felt and universally acknowledged beneficial influence, has rendered itself alike acceptable to the banks and popular with the people of that state.

In recommending the adoption of this system, however, your committee would by no means wish to be understood as disregarding or intending to overlook the principles of direct and primary responsibility of the institutions themselves severally, which ought to be engrafted into the charter of every monied corporation, and which your committee believe to be, and would wish to urge as impossible to be made too strong, so long as the security given shall not be of a nature calculated, too greatly, to cripple the operations of the institution, or restrict too much the extension of the benefits intended to be conferred. Corporations, like individuals, who mean to conduct their business in a fair and upright manner, and to discharge punctually and promptly their debts as they become due and are demanded, cannot be injured by giving too good security; the moment their debts are paid, the securities are cancelled, and they can lose nothing, but rather gain by having established their credit on a sound and perfectly undoubted basis. And should individuals seek the privileges of a monied corporation, for the purposes of fraud and embezzlement, penalties too severe or too heavy could not well be inflicted.

But the great objects contemplated by your committee, and which had great weight with them, in recommending the adoption of a safety fund system, were, in addition to the more perfect security perhaps, on which banks associated under such a system can be placed, that all the desirable advantages of unity of feeling, of interest, and of action, attainable by a single mammoth monied corporation with subject branches, are thereby attained, without the risk of the dangerous influence and tendency of such an overpowering institution; and that, instead of subjecting all the enterprise and business facilities of the country, to the whim and caprice or favoritism of a few, to be managed, as inevitably must and would be the case, to suit their own views and interests,—under this system, the benefits of independent banking institutions, if they shall otherwise be properly guarded and restricted, can be extended to all the various parts of the state, requiring such accommodation.

Your committee, in recommending the adoption of the system, are not prepared to suggest any important deviation from that which has been established in the state of New York; indeed, they would deem it more the part of rashness and arrogance, to recommend much departure from its principles and provisions, than of wisdom and sound practical legislation, especially as the features and practical workings of that system are well known and well understood by a great proportion of the business population of this community.

Your committee therefore report back the bill submitted to them, without amendment, and respectfully recommend its passage.

O. HOUGH, *Chairman.*

NO. 10.

Mr. Hough, from the committee on Incorporations, to whom had been referred certain applications for charters of sundry minor incorporations, made the following

REPORT.

The committee on Incorporations, to whom has been referred, A bill to incorporate the Michigan Paper Manufacturing Company; The petition of William Camburn and others, for the incorporation of the Franklin Steam Mill Company; the petition of Phineas Davis and others, for an increase of the capital stock of the Black River Steam Mill Company; and the petition of John A. Rucker and others, to charter a ferry across the Detroit River, beg leave to report:

That they have given to the several subjects referred to them, above mentioned, their mature consideration; and have arrived at the conclusion, that the objects sought to be obtained, by the petitioners and by the bill before them for consideration, are not proper objects for legislation.

Your committee fully concur in the views expressed by the Executive, in his message to the legislature, that subjects of the like nature, having in view the regulation of business concerns of a private and not of a general nature, are most safely regulated through the ordinary means of individual enterprise. That system of legislation, which is calculated to interfere with matters of a private or a partial nature, having no direct relation to the general interests of the community, can never prove advantageous to the people, as a body; it is and should be the right of every individual, in a Republican community, to pursue, upon principle of equality and just rights, the usual avocations of life—and it will at once be perceptible, that if acts of incorporation are granted to particular individuals for such objects, they cannot fail in their operation to operate unjustly upon individual enterprise.

Your committee are of opinion, that, while the state of Michigan offers a wide field for the establishment of manufactures, it is not expedient, in most cases, to grant to individuals desirous of engaging therein, exclusive privileges through the medium of legislation.

With regard to the petition for a ferry, your committee would state, that the existing laws provide a proper medium for the accomplishment of the objects desired to be attained by the petitioners; viz, by application to the proper courts of law, pursuant to the provisions of the act for the regulation of ferries.

From the above considerations, your committee beg leave to be discharged from the further consideration of the said several subjects referred to them; and recommend the adoption of the following resolution:

*Resolved.* That that the Hon. Wm. A. Fletcher, or the person preparing a code of Laws for the state of Michigan, to be reported to the next legislature, be instructed and requested to report a bill regulating joint partnerships, and authorizing the establishment of minor joint stock companies, by the attorney-general or other authorities of this state, under proper regulations and provisions.



NO. 11.

EXECUTIVE OFFICE, }  
February 10, 1836. }

SIR:—

I submit for the consideration of the senate, a report of the Secretary of State, relative to the negotiation entered into by him, for a loan on the credit of the state, according to the provisions of the act of November 14, 1835.

I have the honor to be

Your obedient servant,

STEVENS T. MASON.

HON. E. MUNDY, *President of the Senate.*

DETROIT, February 8, 1836.

TO HIS EXCELLENCY, STEVENS T. MASON:

SIR—

Agreeably to the instructions contained in your letter of appointment bearing date the 16th November, 1835, authorizing, in your name, the negotiation of a loan for the state of Michigan, according to the provisions of the act of the 14th November last, I visited several of the eastern cities for the purpose of such negotiation, the result of which I have the honor to report:

A contract has been entered into for a portion of the loan to the amount of thirty-six thousand dollars with Robert Hollingsworth Esq., of the city of New York, on the following terms, to wit:—At an interest of six per cent. per annum, to commence and be computed from the 1st day of February, instant.—The interest payable semi-annually and the principal redeemable at the expiration of twenty years, at the Phenix Bank of the city of New York. It is made a part of the contract that certificates of the said loan of the same tenor shall be issued by the Governor of Michigan after the admission of the state as a member of the Union on the request of the said Robert Hollingsworth, Esq., made in writing to the Governor thereof. This provision was inserted to remove any objections which might be raised to depreciate the market value of the loan injurious to the credit of the state. An arrangement has also been entered into with John Delafield, Esq., cashier of the Phenix Bank in the city of New York, for the payment of the interest there, at a charge of one half of one per cent. on the amount of interest received and paid. The interest to be remitted to the bank prior to the days on which it is due to the loan holders. These being the best terms on which this service could be obtained, will, it is trusted, receive your approbation and sanction.

It is my duty to state that a proposition was presented to make the loan of the whole sum of one hundred thousand dollars to the state of Michigan. A condition, however, was annexed, that "no advance of the money, or any part thereof should be required until the state should have been previously, duly, fully and unconditionally admitted into the Union on the same footing as the existing states composing the United States of America." This condition being considered by me as inconsistent with the dignity and interests of the state and not within the strict scope of my authority, and being insisted upon by the proposed lender, the negotiation consequently failed.

In explanation of the imperfect success of the negotiation committed to my charge, I deem it proper to state that the money market in the cities of Boston, New York and Philadelphia, labored under so extraordinary a depression that all the usual channels for operations of this character were effectually closed. As an evidence of this, it is only necessary to advert to the fact that the best commercial paper was at a discount of from  $1\frac{1}{2}$  to 2 per cent. per month, and that the best stocks would not command money without great sacrifices.

Without entering into a subtle disquisition upon the causes of fluctuation in the currency of the country, it may not be considered irrelative to repeat summarily, a few of the causes to which the best informed upon such subjects have imputed the present embarrassment in the eastern cities. They are

these: The uncertainty and apprehension created by the state of the French question; the depreciation of American stocks in foreign markets, from being brought into unfavorable competition with large amounts of new European loans; the speculative investments of the past year, and the annihilation of several millions of capital by the disastrous conflagration in the city of New York, in which her sister cities were more or less interested.

These circumstances eagerly seized upon and their probable consequences exaggerated by the interested and designing, effectually closed all the customary avenues of negotiation.

The only medium was that of private capitalists, desirous of making a safe and permanent investment. Such an opportunity presented itself, was eagerly embraced under the presumption that the sum now borrowed would be sufficient for the present wants of the state, and with an assured confidence drawn from the high rank which the population and resources of the state, hold in the estimation of capitalists in the eastern cities, that under a more favorable state of the money market, the remainder of the loan, as well as any further sums which the interests or necessities of the state might demand, could be negotiated without difficulty on more favorable terms. With this view, copies of the law were left with the most respectable operators in the stocks in Philadelphia, Boston and New York, with a request to communicate any favorable change in the market or any offers which might be made for the balance of the loan.

I cannot close this report without expressing the acknowledgement due to Gen'l John T. Mason, late secretary of the Territory of Michigan, for his invaluable advice and assistance in bringing so far to a successful issue, the important duty committed to my charge.

All which is respectfully submitted.

K. PRITCHETTE.

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NO. 12.

AUDITOR GENERAL'S OFFICE, }  
DETROIT, March 9, 1836. }

TO THE HONORABLE, THE SENATE OF THE STATE OF MICHIGAN:—

I have the honor of submitting, on the other side, and transmitting to you, pursuant to a resolution of the 8th instant, a state of the finances of the state, by which it appears there is a balance in the treasury of \$15529 96, subject to the claims mentioned in said statement.

I have had no intimation of any money having been paid into the state treasury by the late territorial treasurer.

The sheriff of Allegan remitted to the auditor by mail received yesterday, the amount of territorial taxes collected since the commencement of the present year, \$45 00.

Respectfully,

Your most ob't. serv't..

ROBERT ABBOTT.

*Auditor Gen'l. of the state of Michigan.*

**HENRY HOWARD, State Treasurer, in account current with the state of Michigan.**

1836.

Dr.

Mar. 3. To cash to your credit in the State Bank of } \$36,000 00  
Michigan,

The balance stated below, is subject to the claim of  
A. H. McKinstry, cashier of the Michigan State  
Bank, \$2700.

Interest on do

John Griffard, \$25 00

G. M. Williams, 31 00

McArthur &amp; Hulbut, 2 19

as per act of appropriation of Nov. 1835.

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\$36,000 00

9. To balance in the treasury,

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\$15,529 96

# SENATE DOCUMENTS.

xiv

**HENRY HOWARD**, *State Treasurer, in account current with the State of Michigan.*

1836.			Cr.
Mar.	3,	By warrant, favor Farmers and Mechanics' Bank,	\$6878 15
	4.	By do " Stevens T. Mason, Governor of Michigan,	500
	5.	By do " C. C. Trowbridge, cashier of the Bank of Michigan,	11151 02
		By do " Watkins & Joy,	405
		By do " G. B. Martin,	170 46
		By do " J. & M. Palmer,	136 75
		By do " Chas. G. Hammond,	46 50
		By do " Moris Paulding,	21
		By do " J. & J. Watson,	26 25
		By do " Martin Story,	9
		By do " Rufus Brown,	58
		By do " Mrs. Warren,	8
		By do " Wright & Solomon,	80
		By do " Patterson, Gardner, & Co.	3 86
		By do " Moor & Chandler,	35 75
		By do " Alphens White,	28 05
		By do " Caleb F. Davis,	2 25
		By do " Danforth Petty,	510
		By do " do do	400
			<hr/> \$20,470 04

**ROBERT ABBOTT,**

*Aud. Gen'l. S. M.*

**Detroit, March 2, 1836.**

## NO. 13.

TREASURER'S OFFICE, STATE OF MICHIGAN, }  
DETROIT, March 9, 1836. }

TO THE HONORABLE, THE SENATE OF THE STATE OF MICHIGAN :—

Agreeably to a resolution of your body passed the 8th instant, I herewith present you with a statement of the amount of funds received and disbursed by me, showing a balance on hand in the treasury of \$15,686 87.

By the act of February 11, 1836, relative to the duties of "auditor general and treasurer," I deemed it my duty to call upon Levi Cook, Esq., late territorial treasurer and demand the books, papers and funds in his possession appertaining to the office of territorial treasurer. In reply to my demand, he in substance stated, he did not feel authorized to make the delivery and requested that any communication I had to make on that subject, should be made in writing. I accordingly addressed him a note, of which I herewith transmit you a copy, and to which I have not, as yet, received a reply.

I have the honor to be,

Very respectfully,

Your ob't servant,

HENRY HOWARD, *Treasurer*,

*HENRY HOWARD, Treasurer, State of Michigan, in account with the State of Michigan.*

1836.

March	3.	To this amount received of his Excellency, Stevens T. Mason, deposited in the State Bank of Michigan,	Dr. \$36,000 00
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\$36,000 00

1836.

March	9.	To balance on hand in treasury, deposited in the State Bank of Michigan,	\$15,686 87
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**HENRY HOWARD, Treasurer, State of Michigan, in account with the State of Michigan.**

1836.				Cr.	
March	3.	By warrant No. 1, favor Jno. A. Welles, cashier Farmers & Mechanics' Bank,		\$6,878	15
	4.	" do " 2, " Gov. Mason,		500	00
	5.	" do " 3, " C. C. Trowbridge, cashier Bank of Michigan,		11,151	02
		" do " 4, " D. Petty,	\$510	00	
		" do " 5, " do	490	00	910 00
		" do " 6, " J. & M. Palmer,		136	75
		" do " 7, " Watkins & Joy,		405	00
	7.	" do " 8, " J. & J. Watson,		26	25
	8.	" do " 9, " Martin Story,		9	00
		" do " 10, " Geo. B. Martin & Co.		170	46
	9.	" do " 11, " C. G. Hammond,		46	50
		" do " 12, " Wright & Solomon,		80	00
		" Balance on hand in treasury,		15,686	87
				<b>\$36,000</b>	<b>00</b>

**HENRY HOWARD, Treasurer &c.**

Treasurer's Office, March 9, 1836.

**TREASURER'S OFFICE, STATE OF MICHIGAN, }**  
**DETROIT, March 3, 1836. }**

Sir—

I beg leave to inform you that by an act of the legislature of the state of Michigan, passed February 11, 1836, "entitled an act relative to the duties of auditor general and treasurer of the state and for other purposes," it becomes the duty of the late territorial treasurer to deliver to the treasurer elect of the state of Michigan, all books and papers, together with all monies in his possession belonging to the office of the territorial treasurer.

In pursuance of that act, I have been appointed treasurer of the state of Michigan, and shall feel obliged by being informed at what time it will best suit your convenience to make the delivery as prescribed by the act referred to above.

I am, Sir, very respectfully,

Your ob't servant,

**HENRY HOWARD,***Treasurer, State of Michigan.***LEVI COOK, Esq.,***Late treasurer of Michigan Territory.*

## NO. 14.

*The State of Michigan in account with the Michigan State Bank.*

<i>Dr.</i>		<i>Cr.</i>	
To am't paid the mem- bers as per Schedule,	\$7,594 90	By Gov. Mason,	\$ 811 45
" Paid Mich. St. Bank for loan and int.	2,786 62	" am't rec'd from treasurer.	36,000 00
" paid the treasurer's check,	20,313 13		
" am't due Michigan St. bank for loan on 16 Nov. last, and int.	1,736 07		
Balance,	4,380 73		
	<u>\$36,811 45</u>		<u>\$36,811 45</u>
	1836.		
	Mar. 15. By balance in Mich. St. bank,		\$4,380 73

## NO. 15.

EXECUTIVE DEPARTMENT, }  
JACKSON, March 7, 1836. }

SIR—

In compliance with a request of the legislature of this state, I herewith transmit a copy of a "Preamble and Resolutions," with the request that your Excellency will lay the same before the legislature of your state at its next session.

I have the honor to be,

With high consideration,

Your most obedient servant,

HIS EXCELLENCY,

CHARLES LYNCH.

The Governor of the state of

Michigan, Detroit.

TO THE SENATE:

Agreeably to the request of the Governor of the state of Mississippi, I transmit a preamble and resolutions of the legislature of that state in relation to the abolition of Slavery.

STEVENS T. MASON.

March 25, 1836.

*A Preamble and Resolutions in relation to the persons denominated "Abolitionists."*

*Whereas*, The citizens of the state of Mississippi have witnessed with apprehensions of the deepest solicitude, the propagation of principles and the projection of schemes in the non-slaveholding states of the Union, by persons and associations of persons usually denominated "Abolitionists," dangerously involving the rights, peace and domestic property of this and others of the slaveholding states; And, *Whereas*, in the opinion of this legislature, the legal countenance and protection of such persons and associations by the state authorities, under which they may be found, in planning and promulgating such schemes and prosecuting such designs against us, is violative of the bonds of friendship, of the spirit of a faithful neutrality, and of the solemn and mutual guarantees of our national compact:

*Therefore, Be it resolved by the legislature of the state of Mississippi*, That in behalf of the people of this state, we urge upon our brethren of the non-slaveholding states of the Union, and the governments of those states, as they value the harmony and safety of the Union, that they suppress and restrain, by penal laws, all citizens and others commorant within their several jurisdictions, from associating, plotting or conspiring to undermine, disturb or abolish our institutions of domestic slavery, in any manner or by any means, and under any pretext whatever; and, that their citizens, and other persons among them be interdicted, also, under suitable and sufficient penalties, from writing, speaking, printing or publishing sentiments and opinions, expressive of advice or suggestion both public or otherwise, calculated in temper or spirit to infuse disaffection among our slaves, or to enlist others in the commission of acts, tending on this subject, to endanger our right of property or domestic repose.

*Resolved*, That a copy of the foregoing Preamble and Resolutions, be communicated by the governor of this state, to each of the governors of the non-slaveholding states of this Union, respectfully requesting them to present the same to the next legislature of their states respectively.

*Resolved*, That a copy of the foregoing Preamble and Resolutions be communicated by the governor of this state, to each of the slaveholding states of this Union, respectfully requesting them to present the same to the next legislature of their states respectively, for their concurrence.

JOHN L. IRWIN,

*Speaker of the House of Representatives.*

JOHN A. QUITMAN,

*President of the Senate.*

Approved, February 27, 1836.

By the Governor.

CHARLES LYNCH.

BARRY W. BENSON, *Secretary of State.*



## NO. 16.

AN ACT to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the Union upon the conditions therein expressed.

*Be it enacted by the senate and house of representatives of the United States of America in congress assembled,* That the northern boundary line of the state of Ohio shall be established at, and shall be a direct line drawn from the southern extremity of lake Michigan to the most northerly cape of the Maumee (Miami) bay, after that line, so drawn, shall intersect the eastern boundary line of the state of Indiana; and from the said north cape of the said bay, northeast, to the boundary line between the United States and the province of Upper Canada, in lake Erie; and thence with the said last mentioned line, to its intersection with the western line of the state of Pennsylvania.

Sec. 2. *And be it further enacted,* That the constitution and state government which the people of Michigan have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed; and that the said state of Michigan shall be, and is hereby, declared to be one of the United States of America, and is hereby admitted into the Union upon an equal footing with the original states in all respects whatsoever: *Provided, always,* and this admission is upon the express condition, that the said state shall consist of and have jurisdiction over all the territory included within the following boundaries, and over none other, to wit: Beginning at the point where the above described northern boundary of the state of Ohio intersects the eastern boundary of the state of Indiana, and running thence with the said boundary line of the state of Ohio, as described in the first section of the act, until it intersects the boundary line between the United States and Canada, in lake Erie; thence with the said boundary line between the United States and Canada, through the Detroit river, lake Huron, and lake Superior, to a point where the said line last touches lake Superior; thence in a direct line through lake Superior, to the mouth of the Montreal river; thence through the middle of the main channel of the said river, Montreal, to the middle of the lake of the Desert; thence in a direct line to the nearest head water of the Menomonie river; thence through the middle of that fork of the said river first touched by the said line, to the main channel of the said Menomonie river; thence down the centre of the main channel of the same, to the centre of the most usual ship channel of the Green Bay of lake Michigan; thence through the centre of the most usual ship channel of the said bay to the middle of lake Michigan; thence through the middle of lake Michigan to the northern boundary of the state of Indiana, as that line was established by the act of congress of the nineteenth of April, eighteen hundred and sixteen; thence due east with the north boundary line of the said state of Indiana, to the northeast corner thereof; and thence south with the eastern boundary line of Indiana, to the place of beginning.

Sec. 3. *And be it further enacted,* That, as a compliance with the fundamental condition of admission contained in the last preceding section of this act the boundaries of the said state of Michigan, as in that section described, declared, and established, shall receive the assent of a convention of delegates elected by the people of the said state, for the sole purpose of giving the assent herein required; as soon as the assent herein required shall be given, the President of the United States shall announce the same by proclamation; and thereupon, and without any further proceeding on the part of congress, the admission of the said state into the Union, as one of the United States of America, on an equal footing with the original states in all respects whatever, shall be considered as complete, and the senators and representatives who have been elected by the said state as its representatives in the congress of the United States, shall be entitled to take their seats in the senate and house of representatives, respectively, without further delay.

Sec. 4. *And be it further enacted,* That nothing in this act contained, or in the admission of the said state into the Union as one of the United States of America, upon an equal footing with the original states in all respects what-

ever, shall be so construed or understood as to confer upon the people, legislature, or authorities of the said state of Michigan, any authority or right to interfere with the sale by the United States, and under their authority, of the vacant and unsold lands within the limits of the said state, but that the subject of the public lands, and the interests which may be given to the said state therein, shall be regulated by future action between congress, on the part of the United States, and the said state, or the authorities thereof. And the said state of Michigan shall in no case, and under no pretence wha'ever, impose any tax, assessment, or any imposition of any description, upon any of the lands of the United States within its limits.

Approved June 15th, 1836.

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NO, 17.

TO THE SENATE :—

I herewith transmit to the Senate, the copy of an act of Congress, entitled, "An act supplementary to the act entitled, 'An act to establish the northern boundary line of the state of Ohio, and to provide for the admission of the State of Michigan into the Union upon certain conditions.'" By this act, certain propositions relative to the public lands are made to the legislature, and I recommend the passage of a law for their acceptance, in conformity with the authority conferred by the seventh section of the ordinance attached to the constitution of the State.

STEVENS T. MASON.

July 12, 1836.

AN ACT supplementary to the act entitled 'An act to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the Union on certain conditions.'

*Be it enacted by the senate and house of representatives of the United States of America in congress assembled,* That in lieu of the propositions submitted to the congress of the United States by an ordinance passed by the convention of delegates at Detroit, assembled for the purpose of making a constitution for the state of Michigan, which are hereby rejected; and that the following propositions be, and the same are hereby, offered to the legislature of the state of Michigan, for their acceptance or rejection; which, if accepted, under the authority conferred on the said legislature by the convention which framed the constitution of the said state, shall be obligatory upon the United States:

1st. That section numbered sixteen in every township of the public lands, and where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of schools.

2d. That the seventy-two sections of land set apart and reserved for the use and support of a university, by an act of Congress approved on the twentieth day of May, eighteen hundred and twenty-six, entitled "An act concerning a seminary of learning in the territory of Michigan," are hereby granted and conveyed to the state, to be appropriated solely to the use and support of such university, in such manner as the legislature may prescribe;—*And provided, also,* That nothing herein contained shall be so construed as to impair or affect in any way the rights of any person or persons claiming any of said seventy-two sections of land, under contract or grant from said university.

3d. That five entire sections of land, to be selected and located under the direction of the legislature, in legal divisions of not less than one quarter section, from any of the unappropriated lands belonging to the United States within the said state, are hereby granted to the state for the purpose of completing the public buildings of the said state, or for the erection of public buildings at the seat of government of the said state, as the legislature may determine or direct.

4th. That all salt springs within the state, not exceeding twelve in num-

ber, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to the said state for its use, the same to be selected by the legislature thereof, on or before the first of January, eighteen hundred and forty; and the same, when so selected, to be used on such terms, conditions, and regulations, as the legislature of the said state shall direct: *Provided*, That no salt spring, the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall, by this section, be granted to said state: *And provided, also*, That the general assembly shall never sell or lease the same, at any one time, for a longer period than ten years, without the consent of congress.

5th. That five per cent. of the nett proceeds of the sale of all public lands lying within the said state, which have or shall be sold by congress, from and after the first day of July, eighteen hundred and thirty-six, after deducting all the expenses incident to the same, shall be appropriated, for making public roads and canals within the said state, as the legislature may direct: *Provided*, That the five foregoing propositions herein offered, are on the condition that the legislature of the said state, by virtue of the powers conferred upon it by the convention which framed the constitution of the said state, shall provide by an ordinance irrevocable without the consent of the United States, that the said state shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations congress may find necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted for military services during the late war, shall, whilst they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the state, whether for state, county, township, or any other purposes, for the term of three years from and after the date of the patents respectively.

Approved, June 23d, 1836.

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NO. 18.

TO THE SENATE:—

By the thirteenth section of the act of the congress of the United States, entitled, "An act to regulate the deposits of the public money," approved June 23, 1836, it is provided, "that the money which shall be in the treasury of the United States, on the first day of January, eighteen hundred and thirty seven, reserving the sum of five millions of dollars, shall be deposited with the several states, in proportion to their respective representation in the senate and house of representatives of the United States, as shall, by law, authorize their treasurers, or the competent authorities to receive the same." The portion of the act relative to this subject, is herewith transmitted, and I recommend the passage of the required law.

STEVENS T. MASON.

July 12, 1836.

AN ACT to regulate the deposits of the public money, approved June 23, 1836.

*Section 13. And be it further enacted*, That the money which shall be in the treasury of the United States, on the first day of January, eighteen hundred and thirty-seven, reserving the sum of five millions of dollars, shall be deposited with the several states, in proportion to their respective representation in the senate and house of representatives of the United States, as shall, by law, authorize their treasurers, or the competent authorities to receive the same on the terms hereinafter specified, and the secretary of the treasury shall deliver the same to such treasurer, or other competent authorities, on receiving certificates of the deposits therefor, signed by such competent authorities, in such form as may be prescribed by the secretary aforesaid, which certificates shall express the usual and legal obligations, and pledge the faith of the state, for the safe keeping and re-payment thereof, and shall pledge the faith of the

states receiving the same, to pay the said monies, and every part thereof, from time to time, whenever the same shall be required by the secretary of the treasury, for the purpose of defraying any wants of the public treasury beyond the amount of the five millions aforesaid: *Provided*, That if any state declines to receive its proportion of the surplus aforesaid, or the terms before named, the same shall be deposited with the other states, agreeing to accept the same on deposit, in the proportion aforesaid: *And provided, further*, That when said money, or any part thereof shall be wanted by the said secretary, to meet the appropriations made by law, the same shall be called for, in rateable proportions within one year, as nearly as conveniently may be, from the different states, with which the same is deposited, and shall not be called for in sums exceeding ten thousand dollars from any one state, in any one month, without previous notice of thirty days, for every additional sum of twenty thousand dollars, which at any time may be required.

*Section 14. And be it further enacted*, That the said deposits shall be made with the said states, in the following proportions, and at the following times, viz: one quarter part on the first day of January, eighteen hundred and thirty-seven, or as soon thereafter as may be; one quarter part on the first day of April, one quarter part on the first day of July, and one quarter part on the first day of October, all in the same year.

